

Th3a & 4a

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California-American Water

OPPOSE LETTERS

Packet 3
Updated
September 11, 2020



MONTEREY PENINSULA

WATER SUPPLY PROJECT

California American Water

*Coastal Commission
Hearing 9.17.20*

Agenda Items Th3a & 4a



These materials have been provided to Coastal Commission staff

Marina Coastal Water District's Preliminary Response to Cal-Am's Presentation Materials dated 9/2/20

Cal-Am's Presentation Materials are full of inaccurate and misleading statements. MCWD provides this slide-by-slide response to Cal-Am's presentation summarizing why the Staff Report's conclusions regarding the Project's impacts on coastal resources and recommendation of denial is supported by more than the required substantial evidence. MCWD also provides references to the evidence in the record showing Cal-Am's attack on the Staff Report is not supported by the evidence and is, in fact, based largely on false or misleading statements.

(Submitted to Coastal Commission Staff on September 11, 2020)

PURE WATER MONTEREY EXPANSION IS INFEASIBLE

- Staff Report ignores substantial evidence of Expansion's infeasibility
 - M1W denied certification of Expansion's SEIR – major concerns were **availability of source water supplies** and lack of funds to revise SEIR
 - Existing contracts **do not grant source water rights** to Expansion
 - Salinas Valley constituents **dispute Expansion's claim to agricultural runoff**
 - Significant technical problems with PWM Phase 1 – not meeting supply goals
 - Expert analysis shows:
 - **Improper reliance on ASR availability** – inconsistent with historic production
 - **Insufficient wastewater in region** to meet source water needs
 - Source water projections **do not consider drought conditions**

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MCWD Response:

PURE WATER MONTEREY EXPANSION IS FEASIBLE

Staff Report addresses each of the points raised by Cal-Am and explains why Cal-Am's arguments regarding the feasibility of PWM expansion are not supported by facts.¹ As explained by the Monterey Peninsula Water Management District (MPWMD)—the public agency created by the Legislature to address the Monterey Peninsula's water supplies—and further below :

- Expansion SEIR would be certified overnight if Cal-Am withdrew its opposition.
- Source water availability for Expansion has been confirmed by third-party experts.²
- Existing source water contracts do not differentiate between Phase 1 or Expansion.³ The contracts are available for review and confirm supply is ample for Phase 1 and Expansion.
- No agricultural runoff is expected or needed for Expansion.⁴
- Startup problems with PWM Phase 1 have been resolved and will meet all targets next fiscal year.⁵

While the Staff Report acknowledges some uncertainty, the Expansion does have the ability to timely meet the Monterey Peninsula's demand⁶—the evidence shows that Cal-Am's expert's speculation is based on inaccurate assumptions and outdated data. As discussed below:

- During the last 4 water years, ASR has met supply targets despite Cal-Am's infrastructure constraints.⁷ Cal Am deceptively uses ASR data from a ten-year span that largely predates installation of all four ASR wells and completion of the Monterey Pipeline and Hilby Pump Station.⁸ The current ASR system with all the wells, pipelines, and pump stations has only been in service since January 2019,⁹ skewing their average. Given additional ASR wells, Monterey Pipeline and Hilby Pump Station are now in place, it is likely Cal-Am will get more—not less—ASR supplies in the future.
- Sufficient wastewater in region verified by third-party experts.¹⁰
- Source water projections analyzed under two drought scenarios by third-party experts.¹¹

EXPANSION'S SEIR CERTIFICATION DENIED

- M1W has confirmed Expansion's status to Cal-Am: "... **Monterey One Water Board's April 27, 2020 action [1] denying certification of Final Supplemental Environmental Impact Report; and, [2] denial of Conditional Project Approval.**" M1W Letter to Cal-Am (June 8, 2020).
- M1W Board raised substantial concerns in denying SEIR certification:
 - **Deficiencies in SEIR analysis:** source water; water supply and demand; impacts to agricultural water supplies; failure to evaluate Expansion as an alternative to or cumulative project with the MPWSP
 - **Insufficient funds** to remedy SEIR faults
 - **Increased project costs** resulting from issues with technology and injection wells
 - Source water quality and treatment
 - Full scope of Expansion's environmental impacts unknown; delay could lead to further adverse effects in the Carmel River ecosystem

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MCWD Response:

M1W BOARD DID NOT DENY CERTIFICATION OF THE EXPANSION SEIR OR VOTE TO STOP WORK AS CAL-AM FALSELY CLAIMS

Cal-Am *misleadingly* states the M1W Board voted to deny certification of the SEIR. As the Staff Report explains: "The vote to certify it failed by a vote of 10 to 11. **There was then a motion to deny certification of the FSEIR and terminate any further action on the Expansion project, which also failed on a vote of 10 to 11.**"¹² Because both votes failed, no findings of any kind were made by the M1W Board regarding the SEIR

- While the M1W Board has not certified the EIR, they could do so without further environmental review with a one vote switch. Unless and until the Commission denies Cal-Am's CDP application, Cal-Am and its M1W Board allies are unlikely to relent in their unfounded opposition.
- The M1W Board did not adopt findings relating to any particular concern as Cal-Am misleadingly suggests. Moreover, the MPWMD explains in its assessment of Cal-Am's claims and the record shows:
 - M1W never asked its CEQA consultant to remedy any of Cal-Am's alleged "deficiencies" in SEIR or purportedly "unknown" scope of impacts.¹³
 - M1W never stated funding was an issue.¹⁴
 - MPWMD pays 75% and was never asked for funding remedies.¹⁵
 - Non-certification is a political gambit by proponents of the desalination project.
 - Carmel River ecosystem is not in peril based on last five years of data.¹⁶ As explained further below, Cal-Am must—and can—eliminate all illegal Carmel River diversions with the supplies available at the end of 2021 and there is no need to modify the CDO.

DISPUTED RIGHTS TO SALINAS VALLEY WATER

- **Expansion does not have claimed water rights** under existing agreement between M1W and MCWRA
 - Contract has not been revised to allow Expansion to use source waters
 - M1W has not met several conditions required to utilize contract source waters
- **City of Salinas disputes Expansion’s claim** to agricultural wash water
 - “The 2015 Conveyance and Treatment Agreement allows agricultural produce wash water to be used for the approved GWR Project, but does not permit that water to be used for the proposed 2,250 AFY Expansion Project.” (City of Salinas Letter to M1W (Jan. 29, 2020).
 - “The ARWRA does not contemplate the use of agricultural produce wash water for the Expansion Project.” (*Ibid.*)

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MCWD Response:

M1W HAS CONTRACTIAL RIGHTS TO SUFFICIENT WATER FOR EXPANSION

- Cal-Am *falsely* states that M1W does not have contractual rights to source waters identified for Expansion. As the Staff Report explains: MIW “has contracts and agreements in place for more than enough water actually needed to provide the Pure Water project’s expected production volumes , which would allow it to operate even if some sources are not available or are available in lesser amounts, and the[FSEIR] concludes that there is adequate water for the facility.”¹⁷
- As the MPWMD explains in its recent assessment of Cal-Am’s presentation:
 - Existing source water contracts do not differentiate between Phase 1 or Expansion.¹⁸
 - The “conditions precedent” if not met, have been factored into Phase 1 and Expansion sizing.¹⁹
 - No agricultural produce wash water is expected or needed for Expansion.²⁰ As explained further below, Cal-Am can must—and can—eliminate all illegal Carmel River diversions with the supplies available at the end of 20210.
- Through the 2015 City of Salinas agreement M1W²¹ was given the right to use the industrial wastewater, also known as Ag Wash Water, that is beneficial to the Pure Water Monterey project. There are no limitations on the amount of Ag Wash Water to be provided to Pure Water Monterey nor any restrictions on us of the water for initial or future phases of the Pure Water Monterey project. The key language in the Agreement is as follows:
 - Term 1b states, “For the Term of this Agreement, City will provide MRWPCA [now M1W] access and RIGHTS to the industrial waste water in order for the MRWPCA to use industrial waste water in a manner that is beneficial and consistent with the uses described in Recital B, above, and consistent with the recitals and the terms and conditions listed in this section.”²²

MCWD Response to Cal-Am Presentation Materials Page 4 (Continued):

- Recital B states “The MRWPCA [now M1W] has an existing need for source water for 1) to serve its Pure Water Monterey Replenishment Project (the “GWR Project”) and 2) to augment the existing Castroville Seawater Intrusion Project (“CSIP”) crop irrigation supply.²³

- Further, through the 2015 Amended and Restated Water Recycling Agreement²⁴ between M1W and the MCWRA, section 4.02, the “New Source Water” derived from the Ag Wash, Rec Drain, and Blanco drain, totaling 8,701 AFY, was allocated to M1W and MCWRA such that M1W had first priority of 4,320 AFY of these “New Source Water” flows and MCWRA had the remaining allocation of 4,381 of “New Source Waters”. This amount to M1W is sufficient on its own for PMW without use of any wastewater flows.

- Under Section 4.01 of the Agreement, M1W was allocated its share of wastewater flows that would be added to the “New Source Water” flows. Those rights include access to wastewater that is not claimed or utilized by MCWD or needed by MCWRA’s authorized demand pursuant to the Agreement, plus 650 AFY to M1W from MCWRA. MCWRA’s authorized demand in the Agreement, as shown in Exhibit C of the Agreement, has a total of 16,692 AFY of “New Source Water and SVRP” (wastewater flows) going to MCWRA. Subtracting the 4,381 of New Source Flows allocated to MCWRA from this amount (the amount described above in Section 4.02) determines MCWRA’s demand for wastewater per the agreement at 12,311 AFY out of a total of 21,689. That leaves 9,378 AFY of wastewater flows that are for MCWD and M1W to use according to their rights. MCWD sends about 2100 AFY to the plant, leaving 7,378 AFY that M1W has rights to use currently. **The expansion project needs only 2,778 AFY.**

PWM PHASE I EXPERIENCING SUBSTANTIAL PROBLEMS

- PWM Phase I currently **8 months behind schedule**
- **Projected to produce only 58% of the 3,500 AFY allocated to Cal-Am** due to technical challenges
 - Sinkholes and/or subsidence are affecting the shallow injection wells that may not be repairable
 - Deep injection wells are experiencing injection refusal
- Water costs continue to increase
 - At current projected delivery levels, **rate estimates have doubled** what PUC approved
 - **Needed repairs and new wells are costly** and will result in water rate increases
 - At least **two new deep wells** appear to be needed
- Has **not successfully treated agricultural wash water**
- Expansion would use similar technology facing similar challenges to timeline, ability to produce claimed water, and water rates
- Staff Report dismisses these substantial issues as “relatively common”

5

MCWD Response:

PWM PHASE I STARTUP GLITCHES HAVE BEEN ADDRESSED; PHASE I HAS MET ITS FIRST OBLIGATION TO DELIVER 1,000 AF RESERVE

Cal-Am ***misleadingly*** suggests the Staff Report improperly dismissed PWM Phase I start-up problems and falsely claims the project’s initial delays and increased costs make its delivery of water unreliable. As the Staff Report explains: “the start-up problems are of a type that can readily be resolved, and in fact, Monterey One Water has developed the methods and schedule for adding a new well and improving conditions at the existing wells to allow for the full expected production.”²⁵

- As the MPWMD further confirms and explains in its recent assessment of Cal-Am’s presentation:
 - Problems with PWM Phase 1 have been resolved and next fiscal year will meet all targets.²⁶
 - Operating Reserve requirement was met August 21st, properly within 6 months of first injection.²⁷
 - Deliveries began September 1, 2020.²⁸
 - Rates have not doubled as Cal-Am implies. While the costs are higher than the projected 2016 estimates, Desal costs remain 3-times higher.²⁹
 - M1W successfully treated agricultural wash water during the drought. It has not been needed recently.³⁰
 - The PWM Phase I start-up issues are not “substantial.” Rather, they are common start-up setbacks for which there are obvious and simple fixes.³¹
 - Originally PWM had 4 wells to be installed as part of the project. In an effort to save costs, only two wells were constructed. M1W is now installing a third well with approval of a fourth. All 4 wells could be online by the end of 2021 with sufficient capacity for both PMW and expansion, and M1W has already injected a 1,000 AF reserve in the Basin for Cal Am’s later use.

EXPANSION'S SUPPLY ANALYSIS INACCURATELY ACCOUNTS FOR ASR AND DROUGHT

- Stoldt's supply analysis relies on ASR providing 1,300 AFY every year for Expansion to meet existing Peninsula water demand and assumes no drought between now and 2034
 - Over last 15 years, ASR availability **exceeded 1,300 AFY only twice**
 - Average ASR availability is **less than 50% of Stoldt analysis' projections**
- ASR availability **reduced to 63% in a single dry year and 4% after three consecutive dry years**
 - Does not meet Water Code reliability standards (5 consecutive historic driest years)
 - Does not meet Governor Newsom's 2020 Water Resilience Portfolio (planning for 6 years of drought)
- Monterey Peninsula **has not had a decade without drought in the last century**

6

MCWD Response:

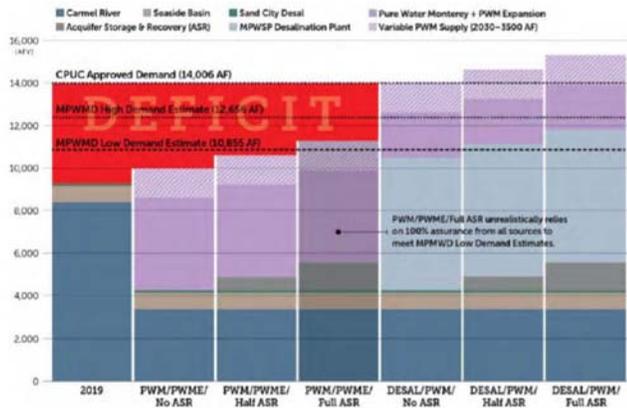
EXPANSION SUPPLY INCLUDES DROUGHT YEARS; CAL-AM'S ATTEMPTS TO DIMINISH ASR SUPPLIES ARE CONTRADICTED BY THE RECORD

Cal-Am *incorrectly* states ASR supplies are not reliable and attacks the PWM Project SEIR's and Staff Report's reliance of ASR in evaluating future water supplies. As the Staff Report explains, improvements now permitting recovery of 1,300 AFY on average of ASR supplies have consistently been accounted for in the CPUC's analysis of Cal-Am's supply portfolio.³²

- As the MPWMD further confirms and explains in its recent assessment of Cal-Am's presentation:
 - ASR has averaged 1,282 AF of injection the past 4 years despite Cal-Am infrastructure constraints, which is on the 1,300 AF target. Later, when operated post-CDO it will build up a "bank" of water that can persistently produce an average yield of 1,300 AF per year.³³
 - Cal-Am "experts" use pre-CDO operating assumptions, rather than post-CDO analysis, in an attempt to justify the need for Cal-Am's desal project.³⁴
 - ASR drought resilience has been confirmed by third-party experts.³⁵
- In 2019, Cal-Am used the reliability and water supply value of ASR to justify including in its rate base the \$50 million cost of the new Monterey Pipeline and Hilby Pump Station as essential to convey ASR water to the Seaside Basin for storage.³⁶ Now Cal-Am appears to imply that investment was wasted because ASR is purportedly unreliable.
- Cal Am deceptively uses ASR data from before all four ASR wells were installed and before the Monterey Pipeline and Hilby Pump Station were completed. The full ASR system was not in service until January 2019 resulting in an incorrect average.

7

COMPARISON OF EXPANSION AND MPWSP SUPPLIES TO DEMAND



Source: Hazen & Sawyer (2020)

7

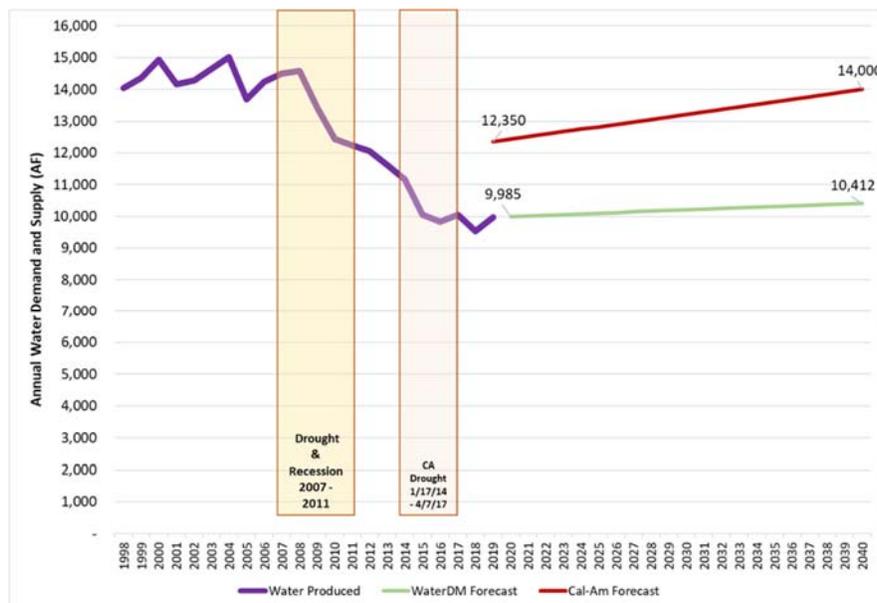
MCWD Response:

CAL-AM’S EXPERTS FAIL TO ADDRESS NEW INFORMATION RELATING TO DEMAND INCORECTLY ASSUMING NOTHING HAS CHANGED.

Cal-Am’s reliance on the above Hazen and Sawyer Report chart is misplaced because Hazen and Sawyer ignored significant new information that shows significantly lower water demand in Cal-Am’s service area—instead relying on the CPUC’s demonstrably outdated prior projections. As the Staff Report explains: “Cal-Am’s recent testimony to the CPUC shows that it expects demand in 2020 through 2022 to remain at the low end of use – about 9,789 acre-feet per year – which results in the high demand during 2008 and 2009 of around 14,000 acre-feet being replaced by upcoming years of about **4,000 acre-feet less demand.**”³⁷

- As MPWMD noted the “This chart makes no sense to any of us or our third-party experts.”³⁸
- As shown in Figure 1 of WaterDM’s Second Supplemental Expert Report, 14,000 AFY is not a reasonable or accurate estimation of demand!³⁹

Figure 1: WaterDM and Cal-Am forecasts of future average annual production



Cal-Am Presentation Materials (Page 8)

INSUFFICIENT WASTEWATER FLOWS TO SUPPLY EXPANSION

- Staff Report inaccurately claims that ~8,000 AFY of wastewater flows directed to M1W's ocean outfall are sufficient to provide source water to both PWM Phase 1 and Expansion
 - Final SEIR corrected the ~8,000 AFY number and **confirmed only 5,811 AFY of wastewater is assumed to be available**
 - This significant error confirms that wastewater cannot be Expansion's only source water
- Staff's analysis ignores evidence that wastewater flows have continued to decline overtime with Peninsula water demand
 - Expert analysis shows that due to reduced wastewater and existing demands for other source waters, there is not enough source water for the Expansion to meet its projections
 - Result is a supply deficit to the Peninsula of 1,083 AF in normal years up to 5,311 AF in a drought – based on **limited supplies to both PWM Phase 1 and Expansion**

8

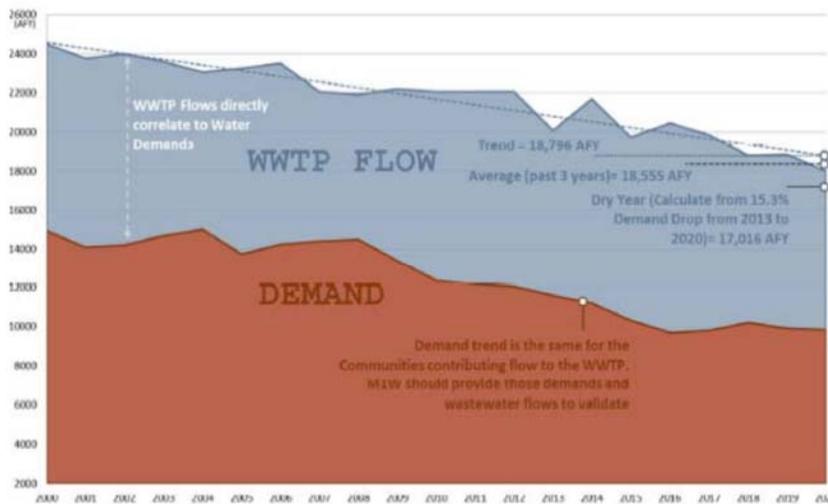
MCWD Response:

EXPANSION WASTEWATER FLOWS ARE ALONE SUFFICIENT

Cal-Am *incorrectly* states wastewater flows are insufficient to supply Expansion and that Staff Report's reliance of these flows is not supported by the evidence. As the Staff Report explains: M1W "has contracts and agreements in place for more than enough water actually needed to provide the Pure Water project's expected production volumes, which would allow it to operate even if some sources are not available or are available in lesser amounts, and the [FSEIR] concludes that there is adequate water for the facility."⁴⁰

- As the MPWMD further confirms and explains in its recent assessment of Cal-Am's presentation:
 - Third-party experts on PWM Expansion did their analysis based on 5,811 AFY and confirmed more than enough source water.⁴¹
 - All four normal year/drought year scenarios analyzed indicate 1,400 to 2,100 AFY of excess source waters AFTER PWM Expansion, a buffer for declining flows.⁴²
 - There is no supply deficit.⁴³
 - M1W's analysis of the PWM wastewater sources under various conditions, including drought, concluded that the project can reliably perform.⁴⁴

WASTEWATER FLOWS VS. DEMAND



Source: Hazen & Sawyer (2020)

9

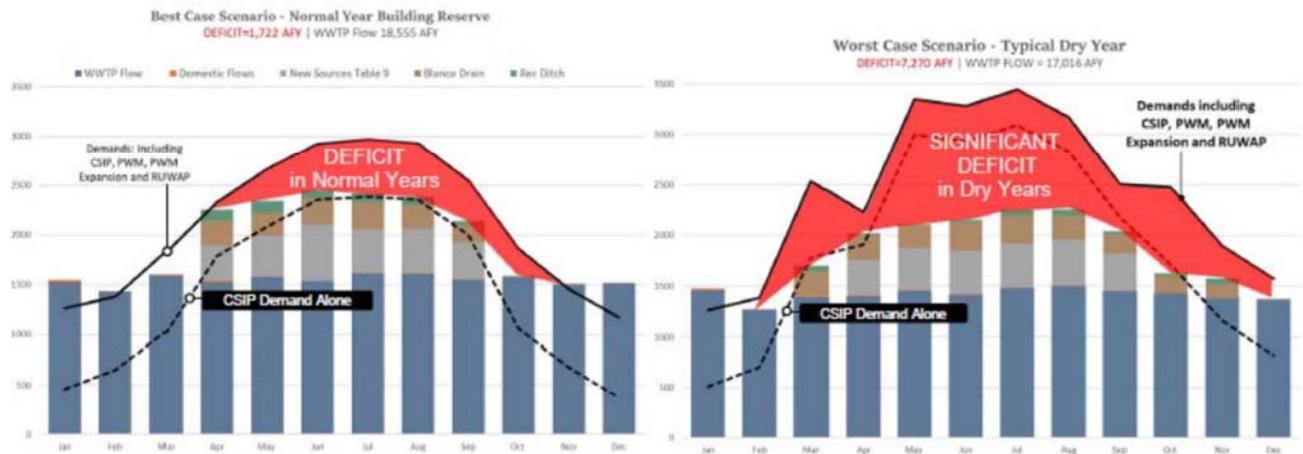
MCWD Response:

WASTEWATER FLOWS WILL INCREASE IF PROJECTED GROWTH OCCURS

As the Staff Report explains: “An August 20, 2020 letter from Monterey One Water addresses Cal-Am’s contentions and clarifies that *Cal-Am’s concern about inadequate wastewater was based on incorrect analyses.*”⁴⁵

- Cal-Am’s reliance on the above Hazen and Sawyer Report chart is ironic, because, although Hazen and Sawyer show a decrease in wastewater flows, the same chart confirms the long-term and permanent decrease in demand within Cal-Am’s system that both Hazen and Sawyer and Cal-Am refuse to acknowledge throughout their materials.
- Moreover, even the decreased wastewater flows are more than ample for the various dedicated uses, and at any rate, to the extent there are population increases in the communities contributing wastewater flows to M1W’s treatment facilities, that will balance out or exceed any additional reductions in wastewater flows due to ongoing conservation.
- As the MPWMD noted the “This chart summarizes why Cal-Am’s proposed desal plant is too large – Customer demand has dropped since the plant was sized and shows no sign of needing 6,252 AFY within a reasonable planning horizon.”⁴⁶
- WaterDM’s forecast is based on AMBAG’s forecast of future population growth for the Cal-Am service area, and it includes all forecasts for future development across all sectors.⁴⁷

EXISTING DEMANDS EXCEED SOURCE WATER SUPPLIES FOR EXPANSION



Source: Hazen & Sawyer (2020)

10

MCWD Response:

THERE IS MORE THAN ENOUGH SOURCE WATER FOR EXPANSION

As the Staff Report explains: “the Pure Water Expansion’s Final SEIR, which includes a detailed technical memorandum that uses a number of relatively conservative assumptions to evaluate several different scenarios – e.g., dry year versus wet year supplies, variable seasonal or annual amounts from different sources, etc. – and determined in each case that there would be sufficient water to produce the 2,250 acre-feet expected from the Pure Water Expansion”⁴⁸

- Again, Cal-Am’s reliance on the above Hazen and Sawyer Report chart is misplaced because Hazen and Sawyer incorrectly assume that recycled water must be available as-needed throughout the year by all users, when in fact it is only CSIP that requires recycled water for immediate use in the high irrigation summer months.
- PWM, PWM Expansion and RUWAP (MCWD’s recycled water project, to be implemented in the future) will all have the flexibility to take treated water in variable amounts through the course of the year because that water must repose in the groundwater aquifers for at least six months before withdrawal.
- Cal-Am is suggesting, incorrectly, that banked storage must work on the same “use it or lose it” seasonal supply basis as surface flow.
- Moreover, Hazen’s chart appears to incorporate amounts of recycled water which CSIP *could* claim, but which it is not currently using.
- As the MPWMD noted the chart fails to account for significant new information as outlined in its comments.”⁴⁹

EXPANSION CANNOT PROTECT SEASIDE GROUNDWATER BASIN

- Seaside Basin provides more than 3,000 AFY of groundwater for Peninsula and groundwater storage for ASR and PWM
- Without MPWSP, Seaside Watermaster cannot achieve protective water levels that have been identified as **necessary to avoid seawater intrusion and irreversible loss of Seaside Basin storage**
 - If Seaside Basin storage is lost or reduced, other existing water supplies (ASR, groundwater, PWM) are in serious jeopardy
- Watermaster determined that **1,000 AFY of additional replenishment water** is necessary to protect Seaside Basin
 - **MPWSP is only supply that could provide this supplemental water**
- Cal-Am also is required to replenish 700 AFY in the Seaside Basin for 25 years through “in lieu recharge” from MPWSP

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MCWD Response:

EXPANSION PROVIDES FAR MORE WATER THAN REQUIRED FOR PAYBACK OF CAL-AM'S SEASIDE GROUNDWATER BASIN REPLENISHMENT OBLIGATIONS

Cal-Am *misleadingly* suggests that without its desalination project the Seaside Groundwater Basin will be vulnerable to increased seawater intrusion. But, as the Staff Report correctly observed, both the desalination project and PWM Expansion will meet the project's 2nd and 3rd primary objectives, which are to:

- 2. Develop water supplies to enable Cal-Am to reduce pumping from the Seaside Groundwater Basin from approximately 4,000 to 1,474 AFY, consistent with the adjudication of the groundwater basin, with natural yield, and with the improvement of groundwater quality; and
- 3. Provide water supplies to allow Cal-Am to meet its obligation to pay back the Seaside Groundwater Basin by approximately 700 AFY over 25 years as established by the Seaside Groundwater Basin Watermaster.⁵⁰

Furthermore, the Staff Report prudently discounted the significance of the Watermaster's new assertion, made on August 12, 2020, that 1,000 AFY of additional recharge would be required “to provide protective groundwater elevations in the Basin,” because this measure was considered in 2009 and 2013 but the Watermaster “took no action to implement the associated infrastructure that would be needed or to fund the approximately \$6,000,000 per year needed to purchase that amount of desalinated water,” concluding that “any such new demand for water appears to be speculative.”⁵¹

- The MPWMD reached the conclusion that this is merely an alarm tactic, based in part on past technical analysis by HydroMetrics WRI.⁵²

MCWD Response to Cal-Am Presentation Materials Page 11 (Continued):

- Moreover, MPWMD noted that at a 2013 Watermaster Technical Advisory Committee meeting where a presentation was made on the topic of protective water levels, the Cal-Am representative stated that replenishment to meet protective water levels is not the company's responsibility.⁵³
- MPWMD further concluded that PWM Expansion at 2,250 AFY could also provide more than enough than the water needed for such a purpose, even allowing for the acknowledged need to repay 700 AFY, and at the same time as unprecedented annual growth in population.⁵⁴
- MPWMD's comments also indicated that the Watermaster's letter oversimplified the issue of sufficient protective water levels, because the levels – and therefore the optimal additional annual replenishment amounts, if any – would be different for inland wells and coastal wells.⁵⁵

Cal-Am's newfound concern for protecting Seaside Basin groundwater is ironic, given its historic overpumping from that resource, which is similar to its chronic, illegal overdrafting of the Carmel River. The further irony is that Cal-Am proposes to protect the Carmel River and the Seaside Basin by illegally exploiting the Salinas Valley Groundwater Basin.

- As WaterDM observed "With the addition of the Pure Water Expansion, Cal-Am will have additional opportunity to inject and store water in the Seaside Groundwater Basin" in addition to ASR injection, which will contribute to operational reliability and help ensure a long-term reliable supply.⁵⁶
- Available excess water for injection from **the Pure Water Monterey Expansion will enable Cal-Am to store additional water in the Seaside Basin.** The proper management of this storage potential and the water supply from the expansion could provide drought-resilience to the Monterey Peninsula for years to come.⁵⁷
- In addition, increased ASR capacity will contribute to protective water levels in the Seaside Basin. As WaterDM stated, "Based on long-term historical precipitation and streamflow data, which includes drought hydrology, the ASR system is designed to allow an average of 1,920 AF per year to be recovered."⁵⁸ Increased ASR storage will also contribute to increasing protective water levels in the Seaside Basin.

CONCLUSION: EXPANSION NOT A FEASIBLE ALTERNATIVE TO DESAL

- Expansion does not have adequate source water to meet ***even the lowest Stoldt demand projection*** presented to the Commission (10,855 AFY)
 - Deficit remains assuming all other supplies available operate at full capacity
- With all of this uncertainty, Staff Report's water supply assumptions require both PWM Phase 1 and Expansion to work perfectly, 100% of the time
 - Perfect, 24/7 operations are neither reasonable nor realistic based on the evidence
- Relying only on PWM Expansion would
 1. Drastically ***reduce diversity and security of water*** supplies
 2. Not satisfy demand (especially in drought years)
 3. Keep Peninsula in ***state of water poverty***
 4. Risk Seaside Basin groundwater supplies
 5. Cause residents and businesses to face ***severe water rationing and restrictions on water usage***

12

MCWD Response:

EXPANSION IS FEASIBLE AND WOULD ALLOW CAL-AM TO MEET MONTEREY PENINSULA'S WATER DEMAND UNTIL AT LEAST 2040

- Again, Cal-Am fails to evaluate significant new information relating to water demand in Cal-Am's service area. As the Staff Report explains: "With the currently lower baseline demand described below, the Pure Water Expansion can be expected to provide the necessary amount of water for at least 20 to 25 years without the desalination facility in place."⁵⁹
- As the MPWMD explained, there is no deficit:

"With PWM Expansion there is a sufficient supply for 30 years AND that does not factor in other available intermittent supplies available to Cal-Am: 700 AFY becomes available from the Seaside Basin after year 25 of their proposed in-lieu recharge program, every year the 'alternate producers' on the Seaside Basin give up their unpumped water to 'standard producers' such as Cal-Am (approx.. 200-400 AF per year), Cal-Am holds Table 13 water rights from the Carmel River in addition to the water rights in question under the CDO (another 200-400 AF per year in normal to wet years)."⁶⁰
- As WaterDM's initial expert report concluded:

"With the addition of the Pure Water Monterey Expansion project providing an additional 2,250 acre-feet per year of supply to Cal-Am, the combination of Cal-Am's available and projected water resources total 11,650 acre-feet of reliable supply." This is sufficient supply to meet annual demand in 2040 by more than 1,200 acre-feet.⁶¹
- Cal-Am will have sufficient water supplies to eliminate its illegal diversion of Carmel River water by January 1, 2022. PWM Expansion is the right sized addition to eliminate the moratorium and for Cal-Am to start paying back the Seaside Basin for its many years of overpumping native groundwater.⁶²

NEED FOR LONG-TERM, DROUGHT-PROOF WATER SUPPLY

- CDO requires Cal-Am to cease unauthorized Carmel River diversions by **Dec. 31, 2021**
 - Failure to meet each Project milestone results in a further 1,000 AFY reduction in allowable River diversions
- Moratorium and no intensification of water use since 2009 CDO
 - **No new connections permitted**—preventing residents and businesses from upgrading existing homes or businesses, developing legal lots purchased for homes, or developing affordable housing
 - No new business permitted to use a commercial space that uses more water than historical use, limiting business growth (e.g., juice shop cannot add ice maker or sink)
 - Extreme conservation in place—hotel laundry is sent out of area, costing local jobs and money
- Monterey Peninsula cities **cannot promote or expand local economies or build affordable housing** needed to meet State mandates

13

MCWD Response:

EXPANSION PROVIDES SUFFICIENT RESERVES/BUFFER DURING DROUGHT YEARS AND CAN BE ONLINE YEARS BEFORE DESAL

- As the Staff Report concludes, taking into account growth rates during the past 20 years, including periods of drought and conservation measures: “the total portfolio with the Pure Water Expansion would supply several decades of growth.”⁶³
- As the Staff Report also explained, “the Cal-Am project appears to have as great or a greater risk of delay than does the Pure Water Expansion.”⁶⁴
- As the MPWMD explained, “MPWMD and all community leaders are united in the pursuit of a new, permanent replacement water supply.”⁶⁵
 - PWM Expansion has been sized to meet job growth and housing needs, per Association of Monterey Bay Area Governments (AMBAG) growth projections and Regional Housing Needs Allocations (RHNA), for next three decades.⁶⁶
 - Examples cited are misleading – e.g. hotel laundry left because it is too expensive under current water rates. It will not return under rates that are 40-55% higher as a result of the MPWSP.⁶⁷
- WaterDM also concluded that, even without desalination or PWM Expansion, banked storage in the Seaside Basin “provides a valuable and necessary buffer for Cal-Am to use if drought or higher demand than forecasted should occur.”⁶⁸

MPWSP IS THE RIGHT PROJECT AT THE RIGHT TIME

- PUC analyzed Project impacts over 6 years and unanimously approved it to meet PUC-determined water demand for Monterey Peninsula
 - Project uses *intake technology preferred by federal and state resource agencies*
 - Contrast to “open ocean” intake systems, slant wells virtually *eliminate any harm to sea life*
 - Slant well feasibility *proven through test well* at proposed site
 - Wells will *extract from existing seawater intruded aquifers*, which will be conveyed to desalination plant for treatment
 - Virtually all impacts fully mitigated
 - PUC reduced Project size to include Pure Water Monterey recycled water and determined *a desalination plant is necessary to meet Peninsula water demand*

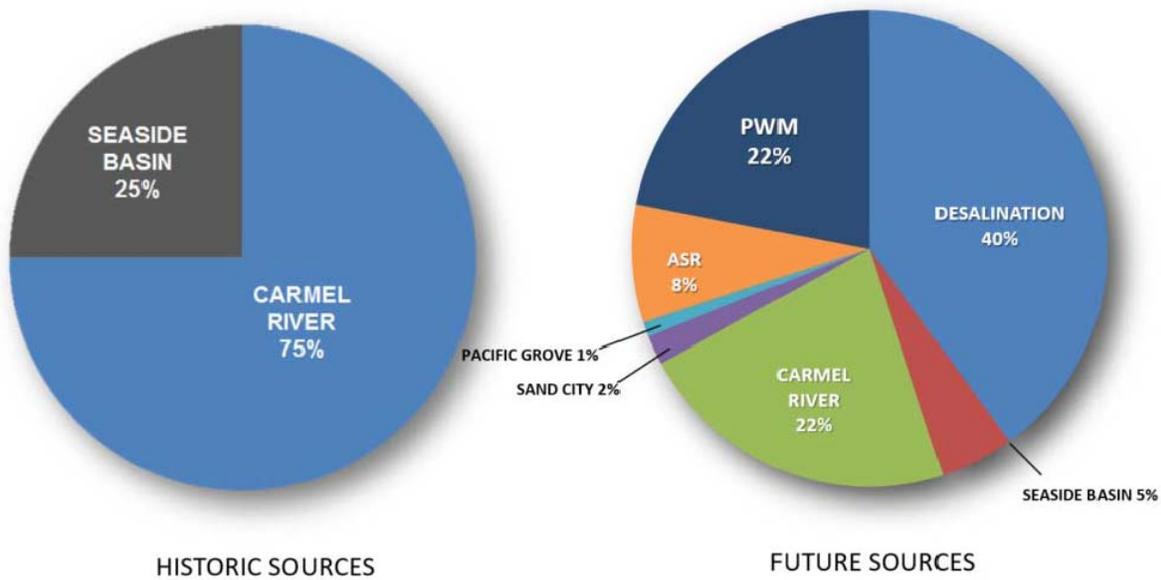
14

MCWD Response:

NEW INFORMATION DEMONSTRATES THE MPWSP IS UNNECESSARY AND WOULD RESULT IN SIGNIFICANT AND UNAVOIDABLE IMPACTS TO COASTAL RESOURCES; EXPANSION IS THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE

- As the Staff Report explains: PWM Expansion would “result in fewer environmental and economic burdens to the communities of concern within Cal-Am’s service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented.”⁶⁹
- As the MPWMD explained, “PWM Expansion is the best transitional project for the future. In 30-40 years when new water supply would be needed under PWM Expansion, desalination technology will be so much better, and less expensive, that it could be considered for the next increment of supply needs.”⁷⁰
- And as the MPWMD also noted: “If there is a feasible alternative that is less environmentally degrading AND outside the Coastal Zone, why not consider it? PWM Expansion is that alternative.”⁷¹
- The Staff Report correctly observed that the Commission “is not legally required to accept or use the CPUC’s water supply and demand numbers or its environmental impact conclusions when conducting its own Coastal Act review. Rather, the Commission has the independent authority and duty to review these issues, based on current evidence, when determining whether denial of the proposed Project will harm the public welfare, whether there is a feasible alternative, and in making other Coastal Act findings.”⁷²

WATER SUPPLY DIVERSIFICATION

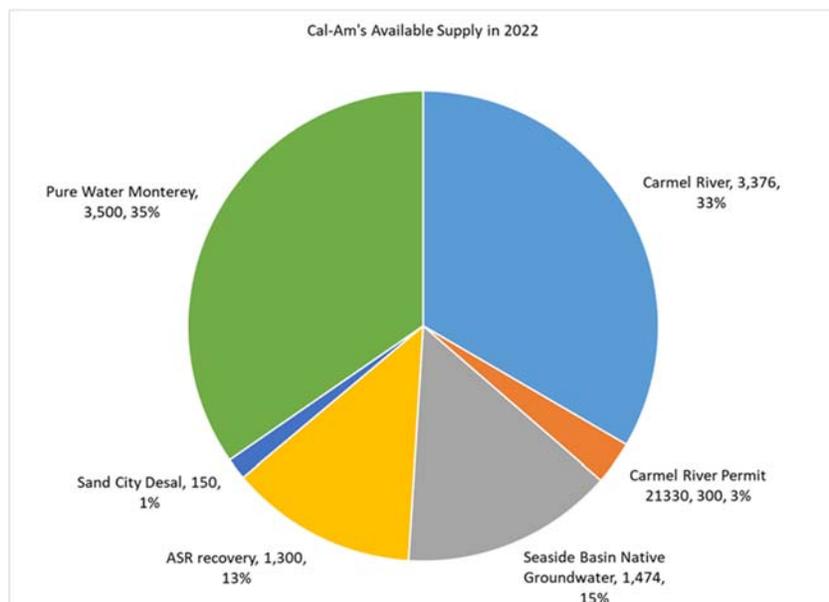


MCWD Response:

CAL-AM PRESENTLY HAS A DIVERSE, RESILIENT WATER SUPPLY PORTFOLIO

As the Staff Report recognized: “Although Cal-Am’s desalination facility would provide more water than would the Pure Water Expansion, either project, when combined with Cal-Am’s other available water sources, would provide more than adequate water supplies for current and expected future demands and would allow the water system to conform to the state’s design and capacity requirements.”⁷³

- As WaterDM concluded in analyzing Cal-Am’s supply portfolio as of January 2022, “Cal-Am’s supply sources are already diverse – without desalination.”⁷⁴





MPWSP BENEFITS

- Reliable, diverse, **adequate water supply** for Monterey Peninsula
- **Cease illegal diversions** from Carmel River; comply with State Water Board CDO
- **Cease Seaside Groundwater Basin** extractions beyond allocated limit
- **Protect and promote Monterey economy**
- Significant environmental benefits to **Carmel River**
- **Arrest seawater intrusion** for Salinas Valley Groundwater Basin
- Supply reliable and clean municipal water for **Castroville, a severely disadvantaged community** facing severe water supply constraints
- Subsurface slant wells virtually **eliminate harm to sea life**, are preferred choice of SWRCB, Monterey Bay National Marine Sanctuary, California Coastal Commission

16

MCWD Response:

As the Staff Report explains: “The Pure Water Expansion would [] result in fewer environmental and economic burdens to the communities of concern within Cal-Am’s service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented.”⁷⁵

- As the MPWMD explained, “The first six of eight “benefits” are also met by PWM Expansion.”⁷⁶
- With respect to item seven on this page, the Monterey Peninsula has 3-times the number of disadvantaged community members than Castroville, per State of California
- Seaside and City of Marina, communities of color and highly disadvantaged have 7.99 times the number of residents as Castroville They are not in Cal Am’s service district, they are in MCWD’s and will receive NO benefits from the project
- Department of Water Resources data, shows Cal-Am is expecting to significantly subsidize water delivered to Castroville to reward them for their support.⁷⁷
- With respect to item eight on this page, PWM Expansion obviates the need for slant wells or desalination, in general.⁷⁸
- Castroville has 3 wells fully functioning with sufficient supply to meet all their demand. One of the three wells is approaching 400 parts per million, still well within drinking water standards, and has received approval and grant funds to drill a new deep well when needed. The Castroville area is not facing serious water shortages. There is time to deal with their issues and they are most properly mitigated and addressed via the SVBGSA GSP as the participants in that group are the ones directly responsible for any seawater intrusion issues experienced by Castroville.

SUPPLY AND DEMAND

- PUC is *only agency with authority to determine utility system sizing*
 - PUC's decision clearly explains supply and demand conclusions and why it either rejected or accepted MPWMD positions
- Staff Report relies entirely on Stoldt memo and ignores responses from Cal-Am, Hazen and Sawyer, Coalition of Peninsula Businesses, Pebble Beach Company, and sworn testimony before the CPUC
 - Expansion supporters repackage *arguments CPUC already rejected* and make new unsupported claims and assumptions
 - Demand estimates do not comply with California Waterworks Standards and CPUC General Order 103-A, which mandate how water utility demand must be calculated
 - Make supply assumptions that *do not account for prolonged drought conditions* and speculate Cal-Am can obtain water from sources beyond its current legal rights

17

MCWD Response:

COMMISSION IS REQUIRED TO EVALUATE SIGNIFICANT NEW INFORMATION RELATING TO SUPPLY AND DEMAND UNDER CEQA AND THE COASTAL ACT

As the Staff Report correctly observed, the Commission “is not legally required to accept or use the CPUC’s water supply and demand numbers or its environmental impact conclusions when conducting its own Coastal Act review. Rather, the Commission has the independent authority and duty to review these issues, based on current evidence, when determining whether denial of the proposed Project will harm the public welfare, whether there is a feasible alternative, and in making other Coastal Act findings.”⁷⁹

Further, as the Staff Report explains: “Cal-Am’s recent testimony to the CPUC shows that it expects demand in 2020 through 2022 to remain at the low end of use – about 9,789 acre-feet per year – which results in the high demand during 2008 and 2009 of around 14,000 acre-feet being replaced by upcoming years of about 4,000 acre-feet less demand.”⁸⁰

- As the MPWMD explained, “all MPWMD planning analyses are 100% consistent with national and California waterworks standards and CPUC Orders.”⁸¹
- WaterDM also concluded that “With or without desalination or the Expansion, Cal-Am is currently complying and can continue to comply with California Waterworks Standards and CPUC General Order 103-A.”⁸²
 - Further, “Cal-Am’s faulty premises and errors are addressed in detail in WaterDM’s April expert report (pp. 37 – 41). WaterDM’s analysis adhered to all applicable codes and industry standards and practices.”⁸³

ENVIRONMENTAL JUSTICE

- PUC—entity with exclusive jurisdiction to ensure that regulated utilities deliver water at reasonable rates—approved the Project’s rates
- Average post-Project monthly bills for single-family residence would **increase only an estimated \$37 to \$40** from existing bills
 - In July 2019, CCC approved the Morro Bay Water Reclamation Facility, which is a ~\$41 monthly water bill increase
- Cal-Am has **robust ratepayer assistance program** that discounts rates for low-income customers by 30%
- Project would provide reliable source of water for Castroville, a disadvantaged community facing serious water shortages
 - Castroville’s supply wells are experiencing significant seawater intrusion
 - Project would reduce seawater intrusion into the SVGB, and Cal-Am would deliver potable water to Castroville at reduced rates

18

MCWD Response:

APPROVAL OF THE PROJECT IS NOT IN THE PUBLIC INTEREST AND WOULD CONTINUE DISCRIMINATORY LAND USE PRACTICES

- Cal-Am misleading suggests the project would result in an average of \$37 increase in water bills.
 - Cal-Am’s revised aspirational filing, because there is no certainty the Company will receive full State Revolving Fund loan funding it anticipates, Advice Letter 1220-A on 9/10/19, indicates a \$37 - \$40 impact on a base bill of approximately \$67, still a 55% increase.⁸⁴
 - And because it does not include any of the surcharges that are imposed on the rate payers as a result of all of Cal-Am’s illegal actions Cal-Am’s own filing, Advice Letter 1220 on 12/31/18, indicates a \$55-\$60 impact on a base bill of approximately \$71, a 77% increase.⁸⁵
- Cal-Am’s alleged robust ratepayer assistance does not reach many renters, among other flaws.⁸⁶
- While the project provides water to the Castroville at extremely low rates, it is at the expense of the other disadvantaged communities such as Marina and Seaside.
 - Total of Marina and Seaside residents is 53,745 or 7.99 times as many as Castroville.
 - 33% of Marinas residents have income below 200% of the federal poverty level
 - The Monterey Peninsula has 3-times the number of disadvantaged community members than Castroville, per State of California Department of Water Resources data.⁸⁷
- CPUC listed the purposes of the project—providing water to Castroville was not one of them.⁸⁸
- Project is designed to draw seawater into the SVGB and will destroy MCWD’s ability to use the current groundwater basin to provide reasonably price water to Marina and others and will make it hard to build affordable housing in the areas that will need them the most
- As the Staff Report explains: “There is a long history of government institutions allowing unwanted industrial development to be concentrated in underserved communities of color ... ***Approving yet another would perpetuate this discriminatory land use practice in Marina.***”⁸⁹
- While slant wells have expected life of 25 years, the CPUC’s approval does not expire – so this Commission’s decision will have a legacy decision will affect Marina for 60 plus years, if not perpetuate discriminatory land use practices in Marina for generations to come.

ESHA AND VERNAL PONDS

ESHA:

- EIR/EIS: ***no significant physical ESHA impacts with mitigation***
- No work during snowy plover nesting season without USFWS approval
- Comprehensive HMMP prepared for Coastal Zone impacts; includes restoration of ~14.6 acres at CEMEX site
- Proposed special condition to ensure Coastal Act compliance

Vernal Ponds:

- No evidence that local ponds depend on Dune Sand Aquifer
 - Urban development and agricultural irrigation have affected the existing functions of the ponds
- Comprehensive Adaptive Management Program Proposed
 - Includes long-term analysis to evaluate whether ponds are fed by Dune Sand Aquifer
 - Cal-Am would implement a ***Wetland Resiliency, Enhancement, or Restoration Plan*** to offset any adverse effects

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MCWD Response regarding ESHA:

PROJECT DOES NOT MEET 30260 REQUIREMENTS FOR MITIGATION OF ESHA IMPACTS TO THE GREATEST EXTENT POSSIBLE

- The Project will result in significant and unavoidable impacts to ESHA. As Staff Report explains: “The Final EIR/EIS includes a number of mitigation measures meant to avoid or reduce some of these known or potential impacts to ESHA ... However, they would not result in mitigation ‘to the greatest extent possible,’ as required by the LCP.”⁹⁰
- Therefore, the Commission cannot make the required Section 30260 that the project is mitigated to the greatest extent feasible.
- Requiring USFWS approval to conduct work during snowy plover nesting season is not mitigation and will not result in less than significant impacts, or mitigation to the fullest extent feasible. Cal-Am’s test well was constructed during snowy plover nesting season with USFWS approval.
- Cal-Am proposed HMMP is not consistent with Coastal Act standards, as it:
 - Does not explain why they claim only 2.18 acres of impact when staff has stated all along it is over 35 acres⁹¹
 - Did not use the proper standard for what is a temporary impact.⁹²
 - Did not consider the need for buffers.⁹³
 - Uses land for the mitigation that is already scheduled for restoration under the CEMEX agreement- double dipping.⁹⁴
 - Proposes to use ag run off water that has silt in it that creates the wrong type of soil and is loaded with invasive seeds and pesticides - so restoration will fail in long run.⁹⁵
 - Does not address work on liner requires work in critical habitat during the breeding and nesting time for Western Snowy Plover.⁹⁶

PROJECTS IMPACTS TO COASTAL WETLANDS AND VERNAL POOLS HAVE NOT BEEN ADEQUATELY EVALUATED AND CANNOT BE MITIGATED

- The best available evidence shows the existing wetland and vernal pond areas in the project area are hydrologically connected to the Dune Sand Aquifer. As the Staff Report notes:
*The GDE review described data collected ... during Cal-Am’s approximately two-year pump test ... identified a relatively immediate groundwater drawdown/response of about one foot. The review also notes that the groundwater underlying these areas has variable salinity levels ..., suggesting it has sources other than ... precipitation. It also notes that the overlying habitat includes vegetative species that have adapted to this range of salinity variation.*⁹⁷
- The Commission Staff and expert hydrologists have concluded that wetland and vernal pond areas in the Project area will likely experience significant water levels declines and that brackish wetlands and vernal pools are not the result of rain or ag runoff.⁹⁸
- Proposed adaptive management cannot work because there is no way to “manage” impacts to vernal ponds if the groundwater is removed. **Nor is there a baseline to evaluate or enforce potential mitigation as required by Coastal Act and CEQA.** As Staff Report explains:
“... importantly, it would be difficult to monitor the actual effects the expected drawdown would have on these wetland and vernal pond areas, in part due to the complex interactions among changing groundwater elevations, different amounts of precipitation and other water sources, the presence of different species with different responses to those changes, **as well as the lack of adequate reference sites or baseline data for many of these areas.** It would likewise be difficult to provide adequate mitigation for any adverse effects, in part due to the potential extent of the effects – which could cover up to several dozen acres of wetlands and vernal ponds – and also due to the difficulty in identifying sites where creating or restoring wetland or vernal ponds could be successful and would not result in the conversion of other sensitive habitats.”⁹⁹
- Cal-Am’s refusal to provide or fund the acquisition of the required information and modeling is an independent ground for denial under Coastal Commission.

PUBLIC ACCESS AND COASTAL HAZARDS

Public Access:

- Area fenced for slant wells is very small (<1 acre on 400+ acre property); most components buried underground
- No existing public access at site, and no impediment to lateral beach access
- Cal-Am proposed Special Condition providing for development of a Public Access Plan

Coastal Hazards:

- Conservative sea level rise analysis confirms ***no coastal erosion impacts during the Project well lifetime*** (~25 years)
 - Analysis evaluated 3.8 ft of SLR by 2060—more conservative than new State principle of 3.5 ft of SLR by 2050
- Soft measures such as revegetation, monitoring, and maintenance should eliminate potential risks to well heads from sand burial
- Too speculative to analyze potential well relocation now

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MCWD Response:

PROJECT’S IMPACTS TO PUBLIC ACCESS ARE NOT MITIGATED; CAL-AM’S PROPOSED MITIGATION FOR COASTAL HAZARDS RESULTS IN ADDITIONAL IMPACTS TO ESHA THAT HAVE NOT BEEN EVALUATED OR MITIGATED

Public Access

- Cal-Am’s attempts to minimize the project’s public access impacts fail. As the Staff Report explains, the project “would result in temporary adverse impacts to public access and recreation during construction. It would also result in relatively modest, but by no means insignificant, ***long-term loss of public access and recreation opportunities.***”¹⁰⁰
- Access in project area currently does not exist because of sand mining operations. But CEMEX settlement specifically intended for public access, which will not now take place in fenced areas.
- Wells and fencing destroy the beauty of the site for the public walking along the shoreline

Coastal Hazards

- Cal-Am’s impermissibly attempts to defer analysis of relocating slant wells due to sea-level rise as will be required during the indefinite life of the project. As the Staff Report accurately explains: “the currently proposed locations are near the most inland extent of Cal-Am’s easement and could not be moved out of the hazard zone unless Cal-Am was able to obtain additional legal interest for areas further inland. The terms of the above-referenced CEMEX Settlement may prevent Cal-Am from obtaining additional legal interest on the CEMEX lands...”¹⁰¹
- Cal-Am’s proposed “soft measure” are entirely unrealistic. Revegetating and contouring the dunes cannot avoid the long-term effects of sea-level rise and dune recession.
- In reality, it is much more likely Cal-Am will have to use “hard measures” to avoid impacts related to coastal hazards, which will indisputably cause additional ESHA impacts that must be addressed before the project is approved under the Coastal Act.

COASTAL WATERS AND MARINE RESOURCES

- Cal-Am proposes a less impactful outfall pipeline lining method to avoid impacts to coastal resources
 - EIR/EIS analyzed more impactful lining activities, and impacts determined to be less than significant
 - Alternative method involves cleaning and coating inside of existing pipeline for long-term maintenance; **no groundbreaking in Coastal Zone**
 - Proposed Special Condition would require this alternative method of lining installation prior to Project operations
- Potential impacts from brine discharges were analyzed in detail and mitigation measures were developed with various parties including Surfrider Foundation and MPRWA
- Mitigation Measure 4.3-5 requires Cal-Am to perform water quality assessment prior to operations to ensure Ocean Plan compliance

21

MCWD Response:

**WITHOUT THIS INFORMATION REGARDING OUTFALL IMPROVEMENTS
MANDATED BY CPUC –IT IS IMPOSSIBLE TO MAKE REQUIRED 30233 FINDINGS**

- Cal-Am failed to provide the required information to evaluate. As Staff Report explains:
*One necessary Project component that Cal-Am did not include in its CDP application and that it has not yet fully described is an approximately two-mile long liner that must be installed within the existing ocean outfall pipeline to prevent the desalination facility discharge from corroding the outfall line ... **installation work would likely require heavy equipment on the beach and foredune area, excavation of some amount of beach and dune habitat, installation of temporary fencing ... and other activities that would result in noise, disturbance, and occupancy of this critical habitat area during a critical time period for the species.** Such activities would not conform to Coastal Act Section 30240 (if the work is done in the Commission’s retained jurisdiction) or LCP provisions that mirror that Section (for any work in the City’s permitting jurisdiction) because they would be non-resource- dependent activity that would occur in ESHA.¹⁰²*
- To avoid this fatal flaw, Cal-Am now suggests it has a possible new method of installation that no one has enough information about to be able to analyze or comment on.¹⁰³
 - Cal-Am has not applied for a CDP, which is required even if this proposal works.
 - In addition, Placement of moorings requires attachment to ocean floor and is considered “fill” under section 30233.¹⁰⁴
- No complete analysis of the impacts or potential mitigation has been done because there has never been a full description of the project. This is a classic case of piecemealing to avoid full project review of impacts and alternatives.
- Settlement with Surfrider Foundation addresses discharge water quality standards - not impacts outfall improvements. No analysis of impacts to marine life was ever conducted.

Cal-Am Presentation Materials (Page 22)

NO ADVERSE GROUNDWATER IMPACTS

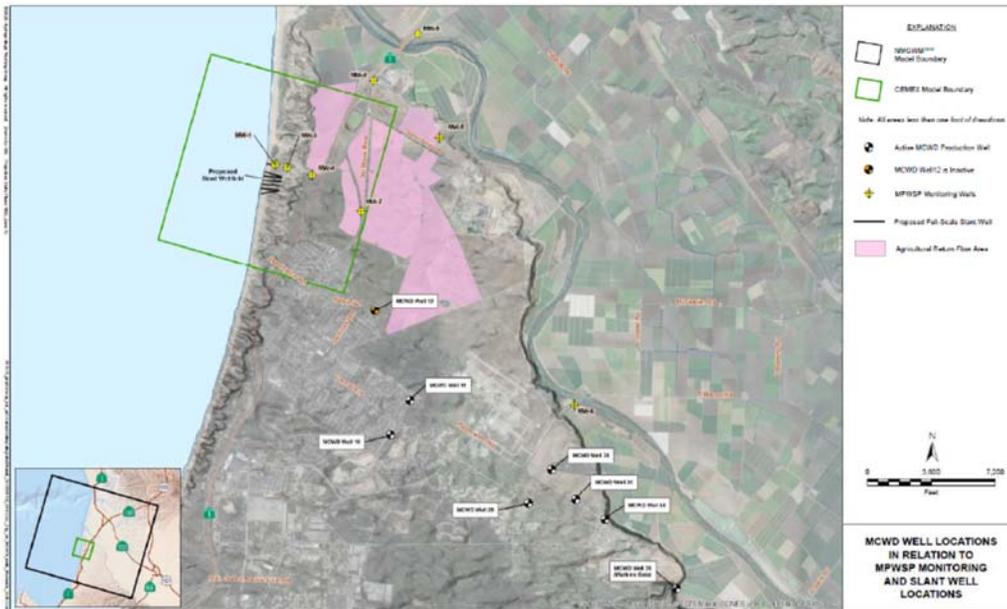
- EIR/EIS consultant team performed over six years of fieldwork and modeling, which was subject to extensive peer review and public comment
- Final EIR/EIS confirmed the **Project will not adversely affect groundwater supplies**
 - Weiss' July 2020 Report confirmed ocean water percentage estimates consistent with the EIR/EIS—88 to 99%
- MCWD wells are not in the Dune Sand or 180 Foot Aquifers from which the Project will draw water
 - Closest municipal supply wells are over 2 miles away in deeper aquifers
 - **Weiss confirmed no Project impacts to municipal supply wells**
- No new data undercuts years of data and Final EIR/EIS conclusion that **water contaminated with seawater flows inland beneath the Project area**
- Project only will draw source water from capture zone with contamination **46 to 60 times greater** than drinking water standard
 - Findings of lower-TDS pockets do not show that the water is usable without desalination

22

MCWD Response:

STAFF REPORT CORRECTLY CONCLUDES PROJECT'S IMPACTS TO GROUNDWATER HAVE NOT BEEN ADEQUATELY MODELED OR MITIGATED

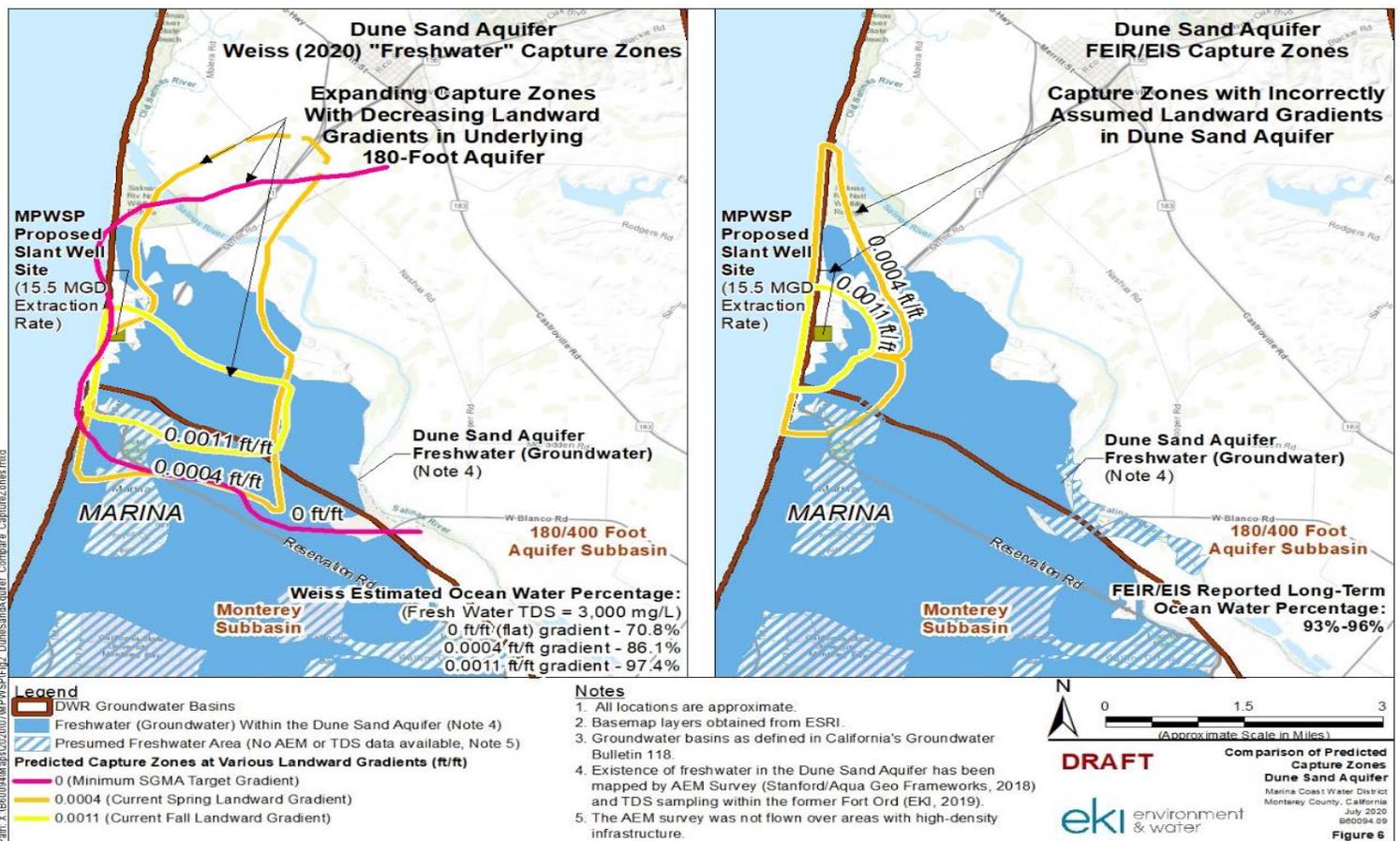
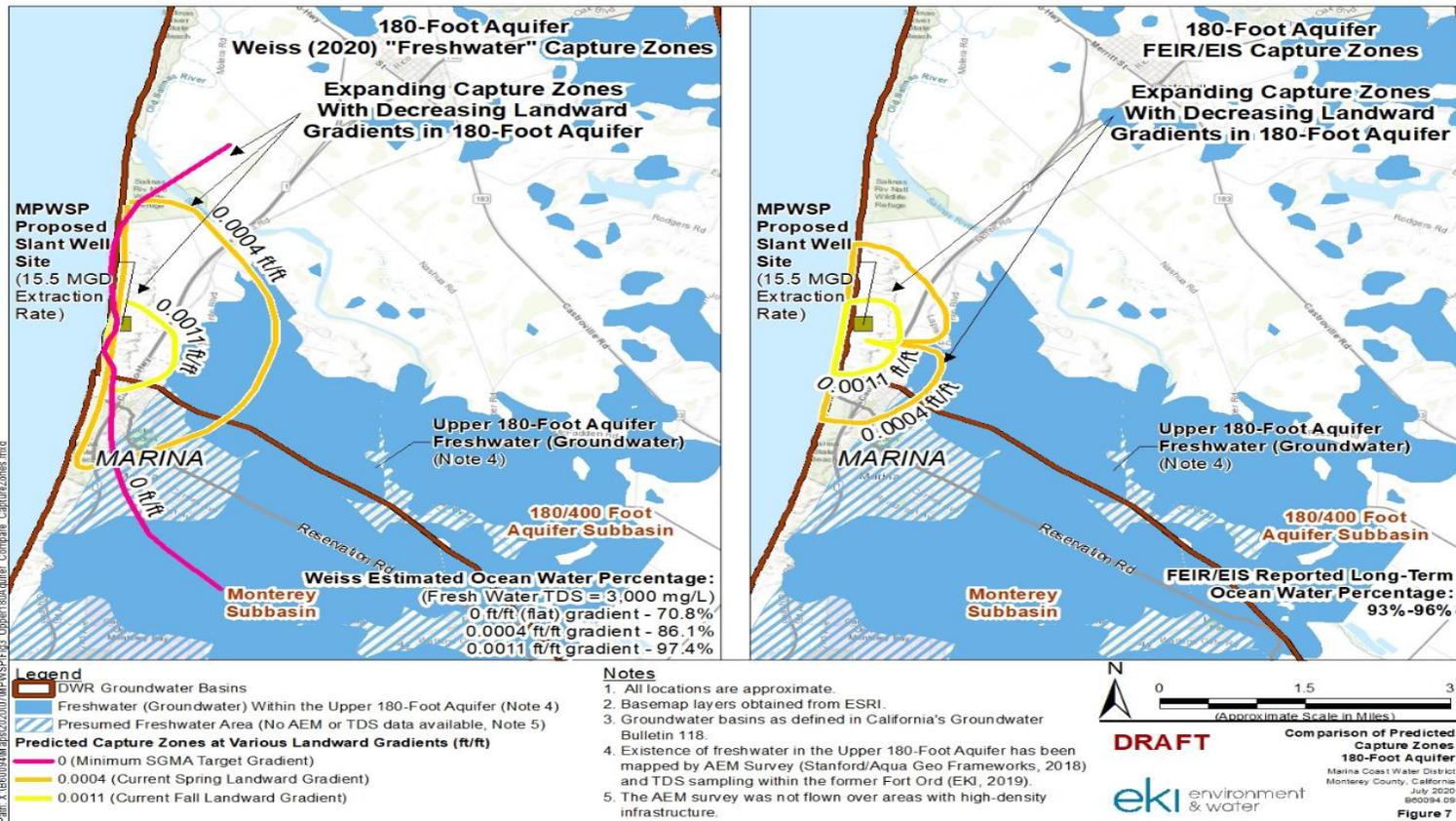
- Cal-Am's claim that the project will not adversely affect groundwater ignores the Coastal Commission's independent expert's conclusions that the EIR's modeling was flawed and "***is not appropriate for calculating the expected effects of differences in the groundwater gradient on how the proposed project would affect the rate or volume of seawater intrusion into the aquifer or on how much fresh water the wells would extract.***"¹⁰⁵
- Cal-Am falsely claims Commission's independent expert confirmed the EIR's conclusions.
 - As the Staff Report explains: "***The Commission's independent hydrogeologic review also recommended additional modeling be done to better identify how much water Cal-Am would need to return to the Basin under different conditions.***"¹⁰⁶ Weiss expressly stated "Due to a variety of known and unknown limitations, the results should not be considered as definitive representations of past, current, or future groundwater flow."¹⁰⁷
- Cal-Am's arguments that no new data shows groundwater gradients have changed is also false and in direct conflict the Commission's independent expert.¹⁰⁸
- Due to lack of funding and time, Weiss did not evaluate Stanford's AEM data or water quality data collected at Fort Ord that show significant quantities of fresh water exist in the Upper 180-Foot Aquifer, which will be drawn into the slant wells as gradients decline.¹⁰⁹
 - As MCWD'S experts explained, the existence of this fresh groundwater in the Upper 180-Foot Aquifer was not considered in the Weiss Report and must be evaluated to provide a meaningful understanding of the project's impacts and OWP.¹¹⁰
- The Staff Report correctly concludes that the current evidence does not support a finding that the Project is consistent with Coastal Act Section 30231's groundwater protection provision: "***additional modeling and analysis is needed to identify the extent of Cal-Am's likely or potential effects on possible depletion of groundwater supplies, including the effects of the expected depletion on nearby wetlands and vernal ponds.***"¹¹¹



23

MCWD Response:

- Cal-Am incorrectly claims that the project’s capture zone is located in a coastal area of the SVGB *already intruded with seawater* that is not usable for human consumption or irrigation without treatment.
- As explained by MCWD’s experts, the Weiss Report shows that the project’s capture zone is substantially larger than what was disclosed in the FEIR.
 - Importantly, the likely capture zones identified by Weiss show that the project will impact groundwater conditions over many square miles and extract significant quantities of fresh groundwater from the basin.
 - The impact of decreasing landward gradients on the size of capture zones is illustrated on Figures on the next page showing the difference of what the EIR predicted and what the Weiss analysis conservatively shows.
- The additional modeling and analysis necessary to allow the Commission to meaningfully consider and mitigate the project’s groundwater impacts must include address the following as explained by Marina Coast’s expert and others:
 - (1) the importance of fresh water recharge from Dune Sand Aquifer in protecting and maintaining water quality in the Upper 180-Foot Aquifer south of the Salinas River;
 - (2) the importance of this recharge to the Salinas Valley Groundwater Basin (SVGB);
 - (3) water quality information from Airborne Electromagnetics (AEM) Studies and groundwater sampling at Fort Ord;
 - (4) resistivity data from geophysical logs obtained at Monitoring Well MW-7;
 - (5) recharge (mounding) of salt water from CEMEX operations; and,
 - (6) pumping of shallow groundwater from the Dune Sand Aquifer (DSA) in the vicinity of Monitoring Well MW-4S which depresses local water levels.¹¹²
- In sum, additional investigation and modeling recommended in the Weiss Scope of Work and Marina Coast Water Districts’ experts’ comments on the Scope of Work must be completed before the public can make informed comments and before the Commission can make an informed decision on the project’s impacts to groundwater and GDEs.



Cal-Am Presentation Materials (Page 24)

MPWSP COMPLIES WITH WATER RIGHTS AND GROUNDWATER LAWS

- PUC and State Water Board both confirmed Cal-Am may develop all necessary water rights for MPWSP
 - **No water right required to pump seawater** from beneath Monterey Bay
 - Small amount of brackish groundwater that Cal-Am will pump is not usable in the Basin without treatment, and thus is **surplus water that Cal-Am may appropriate**
 - Cal-Am will not develop its water right until it has treated the surplus water
 - No one has a current right to use this brackish water because it has not been put to a beneficial use
- Project complies with Sustainable Groundwater Management Act (SGMA) by creating a seaward gradient in contaminated aquifers that will **halt or reduce landward seawater intrusion**
 - Draft Groundwater Sustainability Plan from SVBGSA recommends installation of slant wells like MPWSP to create a seawater intrusion barrier to comply with SGMA

24

MCWD Response:

PROJECT IS NOT FEASIBLE AND CANNOT OBTAIN WATER RIGHTS

- This slide is a gross misrepresentation. In fact, the CPUC expressly confirmed in denying Marina Coast and the City of Marina's request for rehearing on the project that it did not adjudicate water rights and that the issue would be resolved elsewhere in the future:

In the instant proceeding, we did not adjudicate water rights. Rather, we looked at the water rights in terms of project feasibility. We sought and received the input of the SWRCB as to whether or not it was reasonably foreseeable that Cal-Am had a path forward to perfect future water rights. [Citation.] The SWRCB confirmed attaining such water rights was possible and the issue will likely be resolved in a future body of competent jurisdiction as facts develop.¹¹³
- It is undisputed that Cal-Am has no existing overlying, appropriative or prescriptive groundwater right or claim of right to pump groundwater from the SVGB. It is also undisputed that the SVGB is in a state of overdraft, and therefore there is no surplus water available for or accessible to a new appropriator. These issues are now being litigated in the Monterey Superior Court.¹¹⁴
- Cal-Am also falsely claims that its project complies with SGMA stating the SVBGSA recommends installation slant wells like the MPWSP to create a seawater barrier. As MCWD's experts explain, Cal-Am misrepresents the Plan's recommendations and the MPWSP slant wells are in the wrong location and aquifers to create such a barrier.
- As the Staff Report explains: "... there are also uncertainties about how Cal-Am would operate beyond the 20 to 25-year operating life of its wells, and **whether it will be able to successfully obtain the appropriative water rights it needs to extract groundwater from the Basin. The Commission's independent hydrogeologic review also recommended additional modeling be done to better identify how much water Cal-Am would need to return to the Basin under different conditions.**"¹¹⁵

End Note References Citing Factual Support in the Record

-
- ¹ Staff Report, p. 109-114.
 - ² MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ³ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt; see also contracts that are included in record.
 - ⁴ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ⁵ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ⁶ Staff Report, p. 120; 131-132.
 - ⁷ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ⁸ WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company's Monterey Main System, Sept. 11, 2020.
 - ⁹ Advice Letters 1238, 1238-A of the California American Water Company to the California Public Utilities Commission, requesting recovery in rates of \$50,311,750 for completed pump and pipeline.
 - ¹⁰ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹¹ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹² Staff Report, p. 111.
 - ¹³ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹⁴ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹⁵ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹⁶ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹⁷ Staff Report, p. 110; see also August 20, 2020 letter from Monterey One Water to Tom Luster re: Response to Requests for Clarification regarding Latham & Watkins, LLP letter dated August 13 regarding Monterey Peninsula Water Supply Project CDP Application No. 9-19-0918 and Appeal No. A-3-MRA-19-0034
 - ¹⁸ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ¹⁹ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ²⁰ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
 - ²¹ 2015 City of Salinas agreement with M1W included in record.
 - ²² 2015 City of Salinas agreement with M1W included in record.
 - ²³ 2015 City of Salinas agreement with M1W included in record.
 - ²⁴ 2015 Amended and Restated Water Recycling Agreement included in record
 - ²⁵ Staff Report, p. 110, see also pp. 111, 115, 141.
 - ²⁶ MPWMD Assessment of California American Water's 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.

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- ²⁷ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ²⁸ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ²⁹ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³⁰ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³¹ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³² Staff Report, pp. 21, 119-121; see also WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, Sept. 11, 2020.
- ³³ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³⁴ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³⁵ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³⁶ Advice Letters 1238, 1238-A of the California American Water Company to the California Public Utilities Commission, requesting recovery in rates of \$50,311,750 for completed pump and pipeline.
- ³⁷ Staff Report, p. 127.
- ³⁸ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ³⁹ WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, Sept. 11, 2020.
- ⁴⁰ Staff Report, p. 110.
- ⁴¹ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁴² MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁴³ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁴⁴ Source Water Operational Plan Technical Memorandum. Prepared by Bob Holden, PE, and Alison Imamura, PE, Monterey One Water, April 11, 2020; see also Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, April 21, 2020, pp. 35-36.
- ⁴⁵ Staff Report, p. 111.
- ⁴⁶ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁴⁷ WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, Sept. 11, 2020.
- ⁴⁸ Staff Report, pp. 136-137.
- ⁴⁹ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁵⁰ Staff Report, p. 133.
- ⁵¹ Staff Report, p. 120.
- ⁵² MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.

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- ⁵³ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁵⁴ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁵⁵ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁵⁶ Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, April 21, 2020, p. 35.
- ⁵⁷ Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, April 21, 2020, p. 45; see also Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, July 1, 2020, pp. 13-14 and Figure 1.
- ⁵⁸ Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, September 11, 2020.
- ⁵⁹ Staff Report, p. 115.
- ⁶⁰ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁶¹ Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, April 21, 2020, p. 36; see also pp. 31-32, Fig. 7 and Table 6.
- ⁶² See Staff Report, p. 120.
- ⁶³ Staff Report, p. 125-126.
- ⁶⁴ Staff Report, p. 140.
- ⁶⁵ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁶⁶ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁶⁷ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁶⁸ WaterDM Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, July 1, 2020, p.10, see also p. 11 and Table 1.
- ⁶⁹ Staff Report, p. 3.
- ⁷⁰ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁷¹ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁷² Staff Report, p. 11.
- ⁷³ Staff Report, p. 115.
- ⁷⁴ WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, Sept. 11, 2020, p. 9.
- ⁷⁵ Staff Report, p. 3.
- ⁷⁶ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁷⁷ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁷⁸ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁷⁹ Staff Report, p. 11.
- ⁸⁰ Staff Report, p. 127.

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- ⁸¹ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.
- ⁸² WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, Sept. 11, 2020, pp. 8-9.
- ⁸³ WaterDM Second Supplemental Expert Report and Recommendations of Peter Mayer, P.E. Regarding Water Supply and Demand in the California American Water Company’s Monterey Main System, Sept. 11, 2020, p. 8.
- ⁸⁴ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.; CPUC Advice letter Advice Letter 1220-A on 9/10/19.
- ⁸⁵ CPUC Advice Letter 1220 on 12/31/18,
- ⁸⁶ Staff Report, pp. 93-95.
- ⁸⁷ MPWMD Assessment of California American Water’s 25-Page Presentation, undated, sent to Coastal Commission on September 8, 2020 by Dave Stoldt.; CPUC Advice letter Advice Letter 1220-A on 9/10/19.
- ⁸⁸ Staff Report, p. 18-19.
- ⁸⁹ Staff Report, p. 101.
- ⁹⁰ Staff Report, p. 45.
- ⁹¹ Staff Report, p. 37-45.
- ⁹² Staff Report, p. 46.
- ⁹³ Staff Report, p. 40.
- ⁹⁴ Staff Report, p. 46.
- ⁹⁵ Staff Report, p. 47.
- ⁹⁶ Staff Report, pp. 44-45.
- ⁹⁷ Staff Report, p. 51; see also WRA Environmental Consultants, *Biological Resource and Groundwater Dependency Analysis of Marina Vernal Ponds*, prepared for City of Marina, July 30, 2020
- ⁹⁸ Staff Report, p. 51; see also WRA Environmental Consultants, *Biological Resource and Groundwater Dependency Analysis of Marina Vernal Ponds*, prepared for City of Marina, July 30, 2020; EKI Environment & Water, Inc., *Comments Regarding Weiss Associates 10 July 2020 report entitled Independent Evaluation, Modification and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts* (August 14, 2020).
- ⁹⁹ Staff Report, p. 53.
- ¹⁰⁰ Staff Report, p. 81.
- ¹⁰¹ Staff Report, p. 61.
- ¹⁰² Staff Report, p. 44.
- ¹⁰³ Staff Report, p. 45.
- ¹⁰⁴ Staff Report, pp. 43 and 66.
- ¹⁰⁵ Weiss Associates, Independent Hydrogeological Review of Recent Data and Studies to California American Water’s Proposed Monterey Peninsula Water Supply Project, dated November 1, 2019, emphasis added.
- ¹⁰⁶ Staff Report, p. 7; see also pp. 68, 70, 72 and 73.
- ¹⁰⁷ Weiss Associates, Independent Evaluation, *Modification and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts*, dated July 10, 2020, pp. 2-1 and 2-2.
- ¹⁰⁸ Weiss Associates, Independent Evaluation, *Modification and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts*, dated July 10, 2020, pp. 4-10 and 4-11.
- ¹⁰⁹ See Stanford/Aqua Geo Frameworks, 2018. Interpretation of Hydrostratigraphy and Water Quality from AEM Data Collected in the Northern Salinas Valley, CA, Ian Gottschalk, Rosemary Knight, Stanford University, Stanford, CA; Ted Asch, Jared Abraham, Jim Cannia, Aqua Geo Frameworks, Mitchell, NE, dated 15 March 2018; Attachment 44, EKI Environment & Water, Inc., *Comments Regarding Weiss Associates 10 July 2020 report entitled Independent Evaluation, Modification and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts* (August 14, 2020) p. 3-4, and Figure 1 [depicting the location of this fresh groundwater relative to the 180-Foot Aquifer capture zone predicted under flat gradient conditions.]

¹¹⁰ See Attachment 44, EKI Environment & Water, Inc., *Comments Regarding Weiss Associates 10 July 2020 report entitled Independent Evaluation, Modification and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts* (August 14, 2020) p. 3-4, and Figure 1 [depicting the location of this fresh groundwater relative to the 180-Foot Aquifer capture zone predicted under flat gradient conditions.]

¹¹¹ Staff Report, p. 73.

¹¹² See EKI Environment & Water, Inc., *Comments Regarding Proposed Scope of Work to Address Area Aquifer Impacts Related to California American Water's Proposed Monterey Peninsula Water Supply Project*, Prepared by Weiss Associates on behalf of California Coastal Commission, 11 March 2020 Public Review Draft (April 1, 2020); (ii) Hopkins Groundwater Consultants, Inc., *Comments Regarding Public Review Draft – Proposed Scope of Work to Address Area Aquifer Impacts Related to California American Water's Proposed Monterey Peninsula Water Supply Project, Dated March 11, 2020* (April 9, 2020); (iii) GeoHydros, LLC, *Comments Regarding Proposed Scope of Work to Address Area Aquifer Impacts Related to California American Water's Proposed Monterey Peninsula Water Supply Project, prepared by Weiss Associates for the California Coastal Commission and dated March 11, 2020* (April 9, 2020); (iv) EKI Environment & Water, Inc., *Comments Regarding 6 April 2020 Hydrogeologic Working Group Response to Weiss Associates Public Review Draft Proposed Scope of Work for the Monterey Peninsula Water Supply Project, dated 11 March 2020* (April 19, 2020); and (v) Hopkins Groundwater Consultants, Inc., *Comments Regarding SWRCB and Hydrogeologic Work Group Letters Concerning the Public Review Draft – Proposed Scope of Work to Address Area Aquifer Impacts Related to California American Water's Proposed Monterey Peninsula Water Supply Project, Dated March 11, 2020* (April 20, 2020); (vi) EKI Environment & Water, Inc., *Comments Regarding Weiss Associates 10 July 2020 report entitled Independent Evaluation, Modification and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts* (August 14, 2020); (vii) Hopkins Groundwater Consultants, Inc., *Comments Regarding Weiss Associates Report – Independent Evaluation, Modification, and use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts Associated with the Proposed Monterey Peninsula Water Supply Project, Dated July 10, 2020* (August 13, 2020); and (viii) Hopkins Groundwater Consultants, Inc. *Response to Comments For Consideration by City of Marina Planning Commission Regarding CALAM Monterey Peninsula Water Supply Project*, February 14, 2019.

¹¹³ CPUC D.18-09-017, Appendix B.2.

¹¹⁴ See MCWD's Cross-Complaint (Attachment 48 to MCWD's Response to Cal-Am's June 2020 Letter to the Coastal Commission, August 14, 2020).

¹¹⁵ Staff Report, p. 7; see also MCWD's Cross-Complaint (Attachment 48 to MCWD's Response to Cal-Am's June 2020 Letter to the Coastal Commission, August 14, 2020).

ERRATA PLEASE USE THIS Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Bruce Delgado <bdelgado62@gmail.com>

Sat 9/12/2020 12:30 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CCC, The email I sent you at 457pm earlier today had an important and inaccurate error from an earlier draft. This version is the corrected version. Could you please you this instead? thank you. Bruce Delgado

Dear Chair Padilla, All Coastal Commissioners, Tom Luster, and Jack Ainsworth,

Thank you for all your hard work and accepting our comments on this complex issue which fortunately has a simple and sure solution: support the people and Monterey Bay's coastal environment and we'll all be on the right side of history with your Sept. 17 decision.

Monterey Bay Desalination Project Promotes Economic Racism

By Seaside Mayor Ian Oglesby and Marina Mayor Bruce Delgado

As two Mayors of color and whose cities would be the most adversely impacted resource-wise, economically or both, we oppose a desalination project that would impose environmental injustice and economic racism on the people of Seaside and Marina. The desalination plant being forced on the Monterey Peninsula by California American Water (Cal-Am) will be voted on Thursday, September 17 by the California Coastal Commission.

The Monterey Peninsula does not want or need this oversized, overpriced groundwater desalination plant. We have a far more cost-effective solution for our future water needs in expanding our new recycled water project – Pure Water Monterey (PWM). Initially Cal-Am's desalination plant was sold as a way to meet the State's Cease and Decease Order (CDO) to reduce our reliance on the Carmel River. But with PWM now operating and our community's heroic job of conserving water we have solved that problem. We are on track to meet the State's Cease and Desist Order by December 2021 without desalination. And expanding our Pure Water Monterey recycled project would give us all the water we need for decades of growth.

Marina and Seaside are predominantly minority and working-class communities on the Monterey Peninsula, struggling to survive in these challenging times. Many of Seaside and Marina's residents live below the poverty line. We are proud of our diversity (in Marina 52 languages/dialects spoken by our familie) and ashamed some of our state agency representatives seem to look beyond which is the environmentally just side of this history and show most deference to power and money that would trample our community values and needs.

Cal-Am's groundwater desalination plant would cause great financial and environmental harm to our communities. Its \$1.2 billion price tag dwarfs the alternative \$200 million cost for expanding our existing Pure Water Monterey recycled water plant. This is outrageous given Cal-Am customers already have the highest water costs in the nation.

Our concern is that aggressive political lobbying by the profit seeking Cal-Am could lead to this desal project's approval and devastation for our communities.

Environmentally the plant would be a massive energy hog and worsen climate change. It would emit 8,000 metric tons of CO₂, making it the largest emitter of greenhouse gases on the Central Coast. The desalination project's extraction wells, electrical supply buildings, and access roads, would dominate over 30 acres of Marina's beautiful coastal sand dunes, which provide environmentally sensitive habitat to several species. Perimeter fences would prohibit access to our community's beaches.

CalAm's groundwater extraction wells would remove the freshwater above the 400-foot aquifer that provides drinking water for Marina. Seawater would replace the groundwater and increase the risk of seawater intrusion into the 400-foot aquifer.

We agree with the Coastal Commission Staff Recommendation that this project should be denied, in part because there is a better solution to our water supply shortage that is affordable, socially just and environmentally responsible.

But this is where money and greed come in. Cal-Am cannot profit from expanding the Pure Water Monterey recycled water project, and stands to make over \$100 million in profit from the desalination plant.

Cal-Am has employed an aggressive lobbying strategy and in a playbook reminiscent of the British Empire, tried to divide and conquer our region by promising subsidized desalinated water to some at the expense of others. Meanwhile they continue to repeat the lie that the desalination plant is the only solution to our future water needs.

We urge the Newsom Administration to see through this smokescreen and stand up for environmental and economic justice. We are honored to stand with over 25 local elected officials, Assembly member Mark Stone, and Senator Bill Monning to oppose this desalination project.

Now we need the California Coastal Commission to say yes to recycled water and conservation and no to a greedy company bent on profit over people and our environ

Thank you for all you do and we look forward to your Sept. 17, 2020, decision.

Mayors Bruce Delgado and Ian Oglesby

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Mayor Bruce Delgado

cell: (831) 277-7690

email: bdelgado62@gmail.com

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Mayor Bruce Delgado
cell: (831) 277-7690
email: bdelgado62@gmail.com

Appeal No. A-3-MRA-19-0034 (California American Water Company, et. al., Monterey Co.): Deny CalAm Desalination Project Permit

Laura Hoover <laura_c_hoover@yahoo.com>

Fri 9/11/2020 11:54 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commissioners, Executive Director John Ainsworth, and Staff,

I am a Marina resident, and I am so grateful for our wild and beautiful beaches which stretch for miles. The snowy plover needs open space to survive, and Marina offers one of the last bastions of protected habitat.

I understand that Cal Am desperately wants this desalination project because they would build it (as opposed to a public agency) and profit from the construction at the expense of local Marina residents and without regard for the welfare of our community. The proposed project and slant wells would cause serious harm to our environment and our community.

Please come visit and see for yourself what a special place we (and the snowy plovers) call home. Thank you for your help with protecting our beautiful beaches and community.

Please deny this harmful project. Thank you!

Sincerely,
Laura Hoover

September 2020 Agenda Item undefined 3a - Appeal No. A-3-MRA-19-0034 (California American Water Company, et. al., Monterey Co.)

Therese Kollerer <therese.c4justwater@gmail.com>

Fri 9/11/2020 11:54 PM

To: Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>; Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>; Aminzadeh, Sara@Coastal <sara.aminzadeh@coastal.ca.gov>; Hart, Caryl@Coastal <caryl.hart@coastal.ca.gov>; Escalante, Linda@Coastal <linda.escalante@coastal.ca.gov>; Bochco, Dayna@Coastal <dayna.bochco@coastal.ca.gov>; Groom, Carole@Coastal <carole.groom@coastal.ca.gov>; Howell, Erik@Coastal <erik.howell@coastal.ca.gov>; Rice, Katie@Coastal <katie.rice@coastal.ca.gov>; Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>; Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>; Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>; Dettmer, Alison@Coastal <Alison.Dettmer@coastal.ca.gov>
Cc: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Citizens for Just Water
13809 Sherman Blvd.
Marina, California 93933

California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

Dear Chair Padilla and Coastal Commissioners, John Ainsworth, Tom Luster, Alison Dettmer, and Staff:

Our grassroots organization holds mostly residents of Marina and Ord Communities, members of the Marina Coast Water District (MCWD).

As we have communicated with the Commission on several occasions, and at many locations up and down the state over the last few years, we are against the placement of 6 additional slant wells at the Cemex dunes and beach, and against the construction and operation of an inland desalination facility where the water would be treated.

This project has many flaws, most addressed in the CCC Staff Report, including:

-Damage to the coastal dunes and ESHA.

-Taking of large volumes of groundwater by Cal-Am, for which it has no water rights, beyond the 500 AFY that the Cemex easement may offer it. Unknown ability of CalAm to ever get "appropriative rights" once it has been allowed to start pumping from multiple slant wells.

-Initial and ongoing upheaval to Marina, a disadvantaged community, and one which gets no benefits - not a single drop of desalinated water- only harm, from having this unwelcome project possibly forced upon it.

-Already having caused significant direct harm to Marina and MCWD due to the many resources spent fending off Cal-Am. The City of Marina has already spent at least \$3.5 Million...money and focus that could have been utilized for many other civic investments, such as infrastructure maintenance, a new fire truck, the Senior Center, etc.

-IMMEASURABLE negative impacts caused by the interruption of the plan to hand over the Cemex property for recreational and conservation purposes in perpetuity, resulting from the 2017 agreement between the Coastal Commission, State Lands Commission and Cemex to wind down sandmining operations on this 400 acre site.

How could we ever know what might have been, in terms of a glorious handover of this property, to be healed from the scars of sandmining and reopened as a restored and natural beach environment, accessible to the public, if it is allowed to go straight from one industrial use to another?

The Staff Report calls out the fact that this project “involves the most significant environmental justice concerns the Commission has considered since it adopted an Environmental Justice Policy in 2019.”

pages 8-9:

“Environmental Justice Staff also conducted an in-depth environmental justice analysis and identified several communities of concern that would be affected by Cal-Am’s proposed Project – Marina, Seaside, Sand City and Castroville. Overall, the analysis showed that there would be greater and more serious environmental justice issues arising from Cal-Am’s Project than from the alternative Pure Water Expansion. Cal-Am’s proposed Project would be sited in part within the community of Marina, which is not in Cal-Am’s service area but would be burdened with the adverse coastal resource impacts as discussed above and receive none of the Project benefits. Marina is already disproportionately affected by several other industrial uses, including a regional landfill, regional composting facility, regional sewage plant, a municipal airport, a contaminated site listed on the U.S. EPA’s national priorities list, and the CEMEX sand mining facility, now scheduled to close. Additionally, water from Cal-Am’s desalination facility is expected to cost two to three times as much as the recycled water from the Pure Water Expansion.

Water from CalAm’s proposed Project could significantly raise water rates for low-income ratepayers in Seaside and other low-income ratepayers throughout the service area, who worry that the cost of water could eventually push them out of their moderately priced coastal communities..”

We deeply appreciate the staff’s efforts to do a comprehensive Environmental Justice assessment. We agree with the conclusion that Expansion of Pure Water Monterey is a more environmentally just solution than the coastal slant well desal project.

Water needs in the Monterey region will continue to be a challenge, as is true in much of California, and the world. We believe that whatever solutions are pursued are best approached as a regional solution, as opposed to one for-profit company setting up a solution that benefits part of the region at a cost paid by another. The feasible alternative, Pure Water Monterey, is a regional solution, and we believe warrants Cal-Am’s support as an additional water supply.

Thank you, as always, for your efforts to do right by the people of California and the beautiful coastline we are so fortunate to have and cherish.

Sincerely,

Therese Kollerer

Citizens for Just Water

--

Therese Kollerer

Citizens for Just Water

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Eessa Vanderspek <evanderspek@csumb.edu>

Fri 9/11/2020 11:52 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is Eessa Vanderspek. I have been a Marina resident for the past few years after moving here to attend CSU Monterey Bay.

In my "Water Law" class we learned about the many different methods that cities in the United States do to get their water. I was proud to be a part of Marina and the sustainable methods that are being studied to reuse water as a water source. This method has seen a rise in cities across California, including Berkley and Orange County. It saddens me to hear about a CalAm desalination plant that is being considered despite our community's efforts in reaching sustainable water collection practices. A CalAm desalination plant in this area would not benefit Marina citizens since we would not receive a single drop of the water collected. It would also harm our own groundwater in the process with salt water intrusion and destroy habitat for a wide array of endemic native species, including the snowy plover, legless lizard, and the Smith's Blue Butterfly.

According to the Orange County website: "Reused water is water used more than once or recycled. It happens daily on rivers and other bodies of water. If you live in a community downstream of another, chances are you are reusing its water, and likewise, communities downstream of you are most likely reusing your water. Scientifically-proven advances in water technology have allowed OCWD to reuse water for many different purposes, including industrial, irrigation and drinking."

Our city has already come up with a plan for sustainable water collection and usage to preserve our natural landscape and benefit our community. CalAm has had since 1995

to come up with a sustainable water source from the Carmel River. Do not let their procrastination and misuse of time cause irreversible damage to our home.

Please deny this slant well project!

Thank you,

Eessa Vanderspek
Marina resident

I appose the desal project - Michele Altman

Michele Altman <michelealtman1221@gmail.com>

Fri 9/11/2020 11:44 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To whom it may concern:

Michele Altman

- **Cal Am's Desal project is not in the public interest**
- **Pure Water Monterey Expansion is the feasible and environmentally preferable alternative**
- It will give us a new water supply much sooner than desal
- Our current water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to stop illegal withdrawals from the Carmel River by December 2021.
- Our current water supply will restore the Carmel River and protect the Steelhead. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal or the PWM Expansion.
- There is no Carmel River crisis
- We don't need Cal Am's oversized, over priced desal project to solve our problems
- The Expansion of Pure Water Monterey will provide a long-term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina.
- No Affordable housing without affordable water. Cal Am's desal would double our water bills.
- Cal Am is the only obstacle to the expansion of Pure Water Monterey.
- Desal damages the environment, costs too much and creates environmental injustice
- Desal harms the coastal habitat and Marina's beautiful dunes
- Desal has no legal source water, it would draw groundwater from an overdrafted groundwater basin NOT under the ocean
- PWM Expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. It is contractually secure and drought proof
- Orange County has used this same system for decades
- Cal Am has had 25 years to solve or water supply problem
- Our public agencies have solved it in the last 6 years. Now all the water we need for decades is available, but Cal Am is blocking it



MICHELE ALTMAN

REAL ESTATE

Sotheby's

INTERNATIONAL REALTY
3775 Via Nona Marie, Suite 101
Carmel, CA 93923

831.214.2545

www.michelealtman.com

Realtor Est. 2002 DRE #01310623

CalAm Desalination Project

Selai Lesu <selai154@gmail.com>

Fri 9/11/2020 11:42 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To whom it may concern:

I am a Pacific Islander (from Fiji) and a residence of Marina. I am writing to say I oppose the CalAm desalination Project!!



SIERRA
CLUB

FOUNDED 1892

VENTANA
CHAPTER

FOUNDED 1963

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

**Re: Appeal No. A-3-MRA-19-0034; Deny California American
Desalination Project Permit**

September 9, 2020

Dear Commission Chair Steve Padilla and Commission Board,

The Sierra Club has long had a position that projects which impact the environment should be either denied or if not, then their impacts should be reduced to minimize those impacts. It has also had the position that when such projects are approved they should not be systematically placed only in communities of color and disadvantaged communities. All must share the pain associated with these projects.

For too long our society has engaged in systemic racial prejudice that manifests itself in many ways, one of which is to place these unwanted facilities in disadvantaged communities. This has the effect of sparing the financially well off, mostly white communities, from having to bear the effects of these projects. A prime example of this is the City of Marina which has had to bear the brunt of almost all of these projects that benefit the Monterey Peninsula- a landfill, a wastewater treatment facility, a regional composting facility, an anaerobic digester facility and a sand mining operation that provides sand, gravel and cement for regional development. Marina also suffers from the adverse effects of leftover munitions and toxins from Fort Ord, a long established military installation that closed in 1994. The residents, the City of Marina, the State Lands Commission and the California Coastal Commission (CCC) finally got together and worked hard to phase out closure of the Cemex sand mining plant.

The signed Cemex Settlement agreement will now return those beaches and sensitive habitats to the people for use as public access, low impact recreation and environmental protection. This was finally going to be a place where the residents of Marina and the Ord communities could go freely to relax and enjoy the open spaces and coastal vistas within walking distance. It is a historical truth that coastal communities have displaced persons of color and predominantly reflect wealthy, white populations.

To explore, enjoy, preserve and protect the nation's forests, waters, wildlife and wilderness

Marina formally adopted the Western Snowy Plover as their City shorebird because it symbolizes the environment and the need for protected places to be able to exist. * If the Cal Am desalination project is allowed to be built, this pristine and rare ecosystem will be lost. Public access will be impacted, recreational opportunity diminished and the beauty and potential views of restful open space and solitude will be lost for future generations. The six well head cement pads will not be visible from the beach, but they sit just over the first dune ridge. The size of each well pad will be between 5,250-6,025 sq feet with fencing installed around each, running parallel to the beach. Walking from the main Cemex site to the beach will be met with this eyesore of industrial development, interrupting and marring the beauty of this natural place. Marina did not ask for this CalAm development nor approve any part of it, yet this is what Marina is expected to accept.

In the current climate of our country, environmental injustice has taken on a more timely and critical priority, as we have finally taken steps to recognize the racial injustices that continue to be perpetrated upon those who cannot speak for themselves. We applaud the CCC staff report for espousing a firm position on this issue of environmental justice. Sierra Club urges all Commissioners to exercise your right to support the community of Marina by your vote. Marina is 66% non-white or mixed race with 33% of the residents with income below 200% of the federal poverty level. The project can only be approved under Section 30260 which means that you must determine whether the project is in the public interest. The only beneficiaries from this project will be Cal Am's stockholders, certainly not the people of Marina or the other disadvantaged communities on the Peninsula. With the additional Covid-19 crisis, many in Marina are struggling to maintain and keep their own homes or pay their rents in the midst of job loss, reduced household incomes, health issues without insurance and more.

You now have the ability to right the wrongs of the past, or to continue to do what has always been the practice of allowing the rich and powerful to place unwanted industrial facilities in disadvantaged communities of color. We urge you to deny this ill advised project.

Thank you for consideration of our request.

Sincerely,

Joel Weinstein
Chapter Chair

Kathy Biala
Chapter Coastal Chair

* Our comments on the Western snowy plover will be submitted under separate cover by wildlife biologist Scott Cashen



SIERRA
CLUB

FOUNDED 1892

VENTANA
CHAPTER

FOUNDED 1963

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

**Re: Appeal No. A-3-MRA-19-0034; Deny California American
Desalination Project Permit**

September 9, 2020

Dear Commission Chair Steve Padilla and Commission Board,

The Sierra Club has long had a position that projects which impact the environment should be either denied or if not, then their impacts should be reduced to minimize those impacts. It has also had the position that when such projects are approved they should not be systematically placed only in communities of color and disadvantaged communities. All must share the pain associated with these projects.

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Thank you for consideration of our request.

Sincerely,

Joel Weinstein
Chapter Chair

Kathy Biala
Chapter Coastal Chair

* Our comments on the Western snowy plover will be submitted under separate cover by wildlife biologist Scott Cashen

Deny Cal-Am's Desal Project - Items Th3a/Th4a

tisa roland <tisathetiger@yahoo.com>

Fri 9/11/2020 11:38 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am writing to you to support the rejection of the desal plant on Monterey Bay. We need to live within the limits of the natural resources of our area. It is unrealistic to think that there are technological solutions to every human-created problem.

Thank you.

T. Roland
309 San Benancio Road
Salinas, CA 93908

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Catherine Crockett <cm_crockett@sbcglobal.net>

Fri 9/11/2020 11:29 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Chair Dayna Bochco and Coastal Commissioners:

I write in support of the Coastal Commission Staff recommendation to deny California American (Cal Am) a permit to construct and operate a desalination facility. As a resident of Seaside, I am concerned about the prospect of increased water rates imposed on our lower-middle income population. A 2019 report by the Monterey Peninsula Water Management District found that costs associated with Cal Am's desalination project could nearly double the average residential ratepayer's water bill by 2023. While Cal Am seeks to supply Castroville customers with water at inexpensive rates, it would be at the expense of Marina, whose residents will bear the brunt of environmental and economic hardships under the conditions of Cal Am's water supply project. Furthermore, the impacts of increased water rates would impact significantly more ratepayers in the financially disadvantaged city of Seaside than in Castroville.

To allow Cal Am to move forward with a project laden with adverse environmental justice impacts and the potential to exact serious damage to our coastal environment seems imprudent when a viable and more cost-efficient alternative exists. According to the Coastal Commission Staff's analysis, the Pure Water Expansion water recycling and aquifer storage/recovery project provides adequate water supplies, with fewer environmental and economic burdens on our disadvantaged communities.

Please vote to deny Cal Am's permit on September 17th at the Coastal Commission Special Meeting.

Sincerely,

Catherine Crockett
Seaside, CA 93955

Deny Cal Am's Desal

Phil Wellman <phil@wellmanad.com>

Fri 9/11/2020 11:20 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

September 11, 2020

CA Coastal Commissioners,

CAL EPA needs to update their information on our local situation with the Carmel River.

No new water supply is needed to stop illegal withdrawals from the Carmel River. The Peninsula's current water supply, now expanded by Pure Water Monterey – Phase 1, will restore the River and protect Steelhead and other species. Neither Cal Am's desal, nor the PWM Expansion are needed to accomplish this.

The numbers below from Cal Am and the Monterey Peninsula Water District (MPWMD) show that the water from the Pure Water Monterey project now in operation is sufficient to stop illegal withdrawals from the Carmel River by December 2021. I'm sure Cal Am will not be pointing this out.

Due to the community's conservation efforts, Cal Am's Carmel River withdrawals have dropped to a five year average of 6,314 AF. Its legal river draw of 3,376 AF plus the 3,500 AF from Pure Water Monterey, now in operation, will put Cal Am well within its legal draw from the River by December 2021 without any new water supply.

3,376 AF	Cal Am's Legal Carmel River Entitlement
+3,500 AF	Pure Water Monterey – Phase 1 now in operation
6,876 AF	
-6,314 AF	Cal Am's Average Diversion from Carmel River last 5 years
562 AF	Surplus as of December 2021

We are approaching balance with our current demand of 9,825 acre-feet and our available supply. But a new water supply is needed for growth and to legally lift the SWRCB CDO and the CPUC moratorium, NOT to restore the River and its ecosystem. Pure Water Monterey – Phase 1 will do that.

It should be pointed out that Cal Am played no part in solving this decades long problem on the Carmel River. It contributed nothing and will not profit from this solution. The problem has been solved by our public agencies, Monterey One Water and the Monterey Peninsula Water Management District and the Marina

Coast Water District, along with the amazing conservation efforts of our community.

Phil Wellman
Carmel

Deny Cal Am's Desal

Phil Wellman <phil@wellmanad.com>

Fri 9/11/2020 11:20 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

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Coast Water District, along with the amazing conservation efforts of our community.

Phil Wellman
Carmel

Appeal No. A-3-MRA-19-0034; Deny Cal Am Desalination Project Permit

Noreen Erwin <noreenanmarina@comcast.net>

Fri 9/11/2020 11:18 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commission, Executive Director John Ainsworth & staff:

My name is Noreen Mary Erwin and I am a resident of Marina, CA. I have lived in Marina for over 20 years and have been a resident of the Monterey Peninsula all of my life.

Please deny this harmful project.

Sincerely,
Noreen Mary Erwin
3030 Kennedy CT.
Marina, CA 93933

Please deny the Cal-Am Desal Project permit

Kyle W-M <25kylworc@gmail.com>

Fri 9/11/2020 11:13 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear commissioners,

As a monterey resident I'm urging you to NOT approve California American Water's permit to install a de-sal water plant near mariana.

While de-sal sounds good, it has both short term and long term downsides that significantly outweigh the benefits compared to alternatives like the Pure Water Monterey Expansion. The biggest issue with de-sal is the cost, both in construction and energy consumption, which will get passed down to all customers like myself as well as low income communities & businesses. Alternatives like Pure Water Monterey are much better because they can fulfill Monterey area water needs without the high cost & while being more environmentally friendly because they recycle the excess wastewater without using the vast amounts of energy de-sal requires. Pure Water Monterey then is much more cost effective & gets us to a stable water supply much quicker than Cal Am's proposal. Especially in this time we need to be looking at solutions that keep costs down and prioritize community & economic recovery. Pure Water Monterey does that, desal does not. Finally the Coastal Commission staff report also recommended denying the permits.

Thank you,

- Kyle Worcester-Moore

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Steve Moore <geekyseabeast@gmail.com>

Fri 9/11/2020 11:10 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Dear Chair Padilla and Coastal Commissioners,

As a current resident of Monterey, CA, and a former long-time resident of Marina, CA, I am deeply concerned about Cal-Am's plans to develop a desal plant in Marina to supply additional water to the Monterey Peninsula. I have read your staff report about Cal-Am's permit application (#9-19-0198) and related appeal (#A-3-MRA-19-0034) to construct and operate a slant well field near the existing CEMEX sand plant in Marina. I appreciate the staff's thorough and objective analysis of the situation, and I strongly agree with the staff recommendation that the Cal-Am permit application be **denied**.

Cal-Am has been illegally withdrawing water from the Carmel River for many years. The State Water Resources Control Board has issued a Cease-and-Desist order (CDO) requiring an alternative water source by Dec 31, 2021, which is less than 16 months from now.

Cal-Am has proposed a new desal plant to be located in Marina, with slant wells and some associated piping located within the Coastal Zone, as a way of addressing this need for additional water. As documented in the staff report, Cal-Am's proposed desal plant is neither necessary nor realistic and is most likely inconsistent with Coastal Act and Local ESHA policies.

There is a feasible (and preferable) alternative that can meet projected water needs. As detailed in the staff report, modest expansion of the existing Pure Water Monterey wastewater recycling facility (from a capacity of 3,500 AFY to 5,750 AFY) would provide enough water for current and anticipated water needs for at least the next 30 years, and it would do so with much lower costs (both short-term and long-term), lower environmental impacts, greater security in the face of future droughts, fewer social justice issues, and fewer technical and legal hurdles than Cal-Am's proposed desal plant. Moreover, the expansion is relatively straightforward and could be implemented by the Dec 31, 2021 CDO deadline. In contrast, the Cal-Am proposal faces numerous and substantial technical, legal, and social obstacles that will undoubtedly prevent the desal plant from coming online and delivering the required water by Dec 31, 2021.

In addition, it appears that the coastal environmental impacts of the proposed desal plant, including potential adverse impacts to coastal wetlands (e.g. vernal pools), impacts to sensitive coastal dune species and habitats, and fill that would be placed in coastal ocean waters are inconsistent with Coastal Act and Local ESHA policies, particularly given the existence of a viable alternative that does not have such adverse impacts.

Therefore, I respectfully urge you to follow the carefully considered recommendation of the staff report and decline Cal-Am's appeal regarding application (No. 9-19-0918)

Sincerely,
Steven W. Moore
600 Martin Street
Monterey, CA 93940

Deny Cal Am's Desal Project

Melissa Kelly <melissamegankelly@gmail.com>

Fri 9/11/2020 11:09 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To Whom it May Concern:

My name is Melissa Kelly. I am a resident of Seaside, California. I run a non-profit organization in Monterey County and work/volunteer for several other non-profits in the area. I love the Monterey County community & dedicate my career to preserving our beautiful home.

It is in the public's best interest to deny Cal Am's Desal project. It is obvious Cal-Am is not looking out for the best interest of our community. If they were, they would be fully in support of the Pure Water Monterey Expansion which has already been proven to be a feasible and environmentally preferable alternative by the California Coastal Commission Staff. The fact that Cal-Am is still fighting to build the desal plant should be alarming to everyone.

Based on the California Coastal Commission Staff Report, there are numerous social and environmental issues with the desal plant. Issues range from doubling residents water bills, harming local coastal habitats & sand dunes, and no legal water source with the likelihood of lawsuits. The report concludes that the desal plant does not align with the Coastal Act and LCP policies and is not in the best interest of the public.

The Expansion of Pure Water Monterey will provide long-term sustainable water supply for decades while avoiding environmental damage and social injustices to the community. The environmental issues facing the Carmel River can be resolved and the river can be restored by the Pure Water Monterey Expansion. The only problem with the Pure Water Monterey Expansion is that Cal-Am has tried to stop them every chance possible.

Cal-Am has made a mess of our water supply including draining the Carmel River. They have had 25 years to resolve it & they are just now getting starting on a desal plant one year before the deadline. Cal-Am is irresponsible & should not be given the opportunity to make a mess out of the beautiful dunes of Marina. Cal-Am's motives are questionable and they cannot be trusted. The Passing of Measure J was the community's statement.

Thanks to our public agencies, the water shortage issue has been solved in the last 6 years. All the water we need for decades is available. What has Cal-Am solved in the last six years? Or the last 25 years?

Support the community by denying Cal-Am the desal plant. The facts are in and it is the next logical step. We don't need Cal-Am's oversized, overpriced desal project to solve our problems.

Thank you for your time.

Sincerely,

Melissa Kelly

Denial of proposed CalAm Project

Demetrio Pruneda <dvptoro@yahoo.com>

Fri 9/11/2020 11:04 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>; Gary Karnes <gary.karnes@comcast.net>; Karen Araujo <karaujo93901@gmail.com>

To whom it may concern

Hi,

Our names are Demetrio and Sally Pruneda. We are retired teachers and community activists in Monterey County. We have been actively involved in the protection of our water and environment in Monterey County for 20 years.

We are advising you to stop your proposed water project in Monterey County.

The Coastal Commission finds your proposed development is inconsistent with various applicable policies of the certified LCP and Coastal Act, and is denied on that basis. As an additional and independent basis for denial, the Commission denies the proposed Project under CEQA in order to avoid the environment effects that Cal-Am's Project would have within the coastal zone, including the effects to environmentally sensitive habitat and the other impacts described in this report.

Sincerely,

Demetrio\Sally Pruneda

Ref: Appeal No. A-3-MRA-19-0034 (California American Water Company, et. al., Monterey Co.) and Application No. 9-19-0918 (California American Water Co., Seaside, Monterey Co.)

Alastair Rodd <arodd_ht@yahoo.com>

Fri 9/11/2020 10:48 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission Members:

I am a 20-year Marina resident and I write requesting that you collectively reject the Appeal and Application to construct and operate a slant well field, associated water transmission pipelines and related infrastructure within the coastal zone to support a proposed desalination facility located inland of the coastal zone.

In support of my request, I cite the following reasons:

1. Marina residents fought hard to end the industrial exploitation of coastal resources by the CEMEX sand-mining facility. We do not want to see one industrial development replaced by another. That land can be better used as a coastal habitat and for public access (which is one area the Coastal Commission is expected to protect).
2. Linked to the above, the City of Marina residents, representing the 8th most racially diverse town of its size in the United States, are tired of being treated as the dumping ground for our wealthier, whiter neighboring towns on the Peninsula. We are treated as a dormitory community that supplies the cheap labor for Monterey's tourist industry; we were selected as the site to receive the Monterey Peninsula's waste; we receive the Peninsula's sewage waste; we will *not* accept to be the industrial site for the Peninsula's water needs. If CalAm wants to defile the coast, there are plenty of locations between the Carmel River, Pebble Beach coastline, and through to Seaside that could host an industrial complex of this size - why try and force this on Marina. In this era of social justice, we I would expect the Coastal Commission to put on their "anti-racist" glasses and protect the rights of the less privileged and minorities of Marina.
3. The water to be supplied by the desalination plant will supply the Monterey Peninsula, not the residents of Marina. Why? Because we already have our own water supply. If the Commission approves this application, research by experts at Stanford University shows that it would tap into Marina groundwater aquifers and as the water is pumped from the targeted aquifers it will lead to increased seawater intrusion and further contaminate the groundwater supply. Is that environmental justice? Directly linked to this, in 1996, the City of Marina sought to protect the groundwater aquifer and entered into a legally binding agreement with CEMEX that prohibited exporting any of the extracted groundwater to users outside the Basin. Cal Am's planned use of the CEMEX property directly violates both the limitations of groundwater extraction, and the absolute prohibition on exported extracting groundwater to users outside the Basin. As tenants, Cal Am has deliberately broken this agreement and forced the City of Marina into spending over \$3 million on law suits, money that could have been used to support our youth, our elderly, provide support in the time of Covid-19. Is that environmental justice?
4. CalAm, already charging one of the highest water rates in the whole of the United States, intends to actually increase the price of water charged to its customers on the Peninsula when the desalination plant becomes operational. CalAm has offered lower prices to the community of Castroville, but not to the community of Seaside, another community of color. Castroville aquifers are no longer usable because years of over-pumping the Salinas valley Groundwater Basin to benefit the agricultural industry has led to saltwater intrusion - the very factor Marina has fought to avoid. Pitting one poor community against another poor community while the wealthy profit. Is that environmental justice?

4. Finally, there is a viable alternative to the proposed application cited above in the form of Pure Water Monterey Expansion. I cite the **Commission staff's own report (P3)**: " Pure Water Expansion would result in fewer environmental and economic burdens to the communities of concern within Cal-Am's service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented."

Based on these reasons, I ask once again that you, the Coastal Commission, reject the appeal and the new application based on the fact that it violates a plethora of environmental justice factors and there is a viable alternative with significantly less environmental or social justice impact.

Yours Sincerely

Alastair Rodd
3258 Estrella del Mar Way
Marina CA

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.**M. SO <sonomacountycool@gmail.com>**

Fri 9/11/2020 10:45 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



Greetings! My name is Maggie Stader; I am a brand new resident of Marina. I relocated here just two weeks ago; following a whim that brewed from the depths of my soul - a calling to be near the ocean and to be a steward to this land. I am a young student, artist, and yogi who wants to speak for Mother Earth in order to protect our life here in the habitable zone. I am completing my transfer degree requirements from Santa Rosa Junior College and am hoping to become a CSUMB student in Fall 2021. I am looking forward to making Marina and Monterey County my home and becoming part of the community here.

Upon learning about the proposed CalAm slant well project from the Citizens for Just Water at the Marina Farmer's Market - I was truly shocked that this harmful project was being considered. We are so lucky to be living in a habitable zone, on a life giving planet - at the shores of the Monterey Bay National Marine Sanctuary - how can we not be tasked with the honor and responsibility to protect it all? Now is an important time to slow down - consider our impact and role on this coast and on this planet. Hastiness can only spell further destruction and future problems to our survival. I urge you to make a choice to defend the oceans and the shores; to stand and protect the animals who cannot speak but to peep their songs in the dune; hoping to survive another generation.

The value this land holds as a refuge, a natural wonder, and a place to keep safe for citizens and visitors simply cannot be numbered. Please let's stand together and think of a new path forward in love and stewardship.

Please deny this harmful project. Thank you.

Namaste,

Maggie A. Stader
Marina, CA 93933

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

Katherine Biala <kybiala@icloud.com>

Fri 9/11/2020 10:06 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>



Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Kyung Ho Min. I know many Koreans who live in Marina because I am a small business owner here. I speak Korean and my English is not my first language, but I want you to know that I do not want CalAm to come to Marina. They will steal our water and make our water bad so that they can take over Marina later. Right now our water rates are low but we cannot pay for expensive water in the future.

We want our beautiful beaches to not be harmed by CalAm. Marina wants what everyone else wants but CalAm will destroy our happy future!

Do not approve this CalAm project, please.

Sincerely,
Mr. Kyung Ho Min

Public Comment on September 2020 Agenda Item undefined 3a - Appeal No. A-3-MRA-19-0034 (California American Water Company, et. al., Monterey Co.)

Donna Burych <dburych@comcast.net>

Fri 9/11/2020 10:05 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: Donna <dburych@comcast.net>; madaielegans@yahoo.com <madaielegans@yahoo.com>

Dear Commissioners:

The Monterey Bay Chapter of the California Native Plant Society supports the Coastal Commission Staff Report recommending the denial of California American Water's Coastal Development Permit for its desalination project. Protection and restoration of the dune ecosystem and its special status plants that would be impacted by construction and operation of this project have long been a focus of the Chapter. We concur with the Staff Report that the mitigations fall short of what is needed to adequately compensate for the project's disturbance.

An additional concern is new evidence of possible impact to area vernal pools and native plants associated with them. We concur with the Staff Report that further analysis of this potential groundwater impact is needed before approval of the permit can be considered.

Sincerely,

Donna Burych, Conservation Chair

MONTEREY COUNTY



BOARD OF SUPERVISORS

MARY L. ADAMS, SUPERVISOR – FIFTH DISTRICT

1200 Aguajito Road, Suite #1, Monterey, CA 93940

E-mail: District5@co.monterey.ca.us

Phone: (831) 647-7755

September 11, 2020

Via e-mail: CalAmMonterey@coastal.ca.gov

Hon. Steve Padilla, Chair and Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Attn: Tom Luster

Re: Application No. 9-19-0918, Appeal No. A-3-MRA-19-0034 (California American Water Co., Marina)

Dear Chair Padilla and Commissioners:

In the face of the raging fires and the devastating impact of COVID-19, your focus on the other critical issue facing Monterey County is so appreciated. We have many challenges in our state right now which makes the work you are doing even more important. And the outcome of your deliberations today will have as severe an impact on the residents of our county as these other incredible problems are having.

Access to safe and affordable water is the most important issue facing our community. New water supplies are needed if we want to be able to thrive. Workforce housing, economic development, business expansion and human commodity rely on a sustainable and affordable source of water.

The primary reason for this desalination project, however, is to end Cal-Am's illegal diversions on the Carmel River and to reduce pumping in the Seaside Groundwater Basin as mandated in its adjudication decision. I take the State Water Resources Control Board Cease and Desist Order very seriously, as it would have dramatic consequences for our residents and our economy. Without a replacement water supply, the health of the Carmel River and the species that depend on it will continue to be endangered, and the Seaside Groundwater Basin could be at risk of seawater intrusion.

While the desalination project has been planned mostly for Cal-Am's service area, it would impact the neighboring Marina community. Implementation of a desalination project should not be done to their detriment. I appreciate the Coastal Commission's environmental justice analysis and the consideration for communities of concern in Marina, Seaside and Castroville.

As the District 5 Monterey County Supervisor, residents in my district will carry most of the costly burden of this project, so I am especially vested in the outcome of your decision. The CCC staff's reasoning in recommending denial of the appeal and application reflects the concerns I have expressed about the project for quite some time.

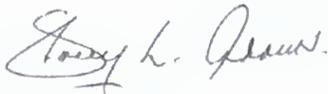
The environmental justice analysis addresses one of my primary concerns about the project – the cost and its impact to Cal-Am's ratepayers. In addition to the communities of concern included in the staff report, within my supervisorial district, I am concerned about the cost to seniors and the many people on fixed incomes who would be greatly burdened by the increased cost of water as a result of the proposed project.

Monterey County, Marina Coast Water District and California American Water lost a true opportunity some years ago with the failed Regional Desal project. The public mistrust about this current project is an ongoing reminder of those unfortunate decisions. I firmly believe that desalination will be needed in our future, even with Pure Water Monterey expansion. A thoughtful regional approach, towards a project serving a larger area that includes the Monterey Peninsula and Seaside Basin, along with the City of Marina and other urbanized areas in the Salinas Valley Basin that face loss of their water supplies due to seawater intrusion, is needed for a prudent long range solution in Monterey County. Such a regional approach, led by public agencies, would also reduce the significant costs that Cal-Am's project would impose on the ratepayers in my district and throughout our county.

As recommended, the Pure Water Monterey Expansion can serve as a bridge to meet the near term requirements of the CDO until a regional desalination project can be developed, as opposed to this unbearably expensive Cal-Am project.

Thank you for your consideration of these comments and for the incredible amount of time, thought, and diligence you give all projects that come before you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary L. Adams".

Mary L. Adams
Board of Supervisors
Fifth District

DENY Cal Am Desal Project-Items Th3a/Th4a

Tom Ward <tomaward@yahoo.com>

Fri 9/11/2020 10:03 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Dear CA Coastal Commissioners and staff:

My name is Thomas Ward and my wife, Leslie Ward and I are retired residents of Pebble Beach and long suffering Cal Am customers.

Please support the Coastal Commission staff's recommendation to DENY Cal-Am's permit for the very costly desal plant and instead decide that expansion of Pure Water Monterey is a feasible, cost effective and environmentally superior solution to our water needs for the next 20-30 years.

We can't afford Cal Am's desal plant!

Thomas Ward
Pebble Beach, CA 93953

Dear CA Coastal Commissioners, Executive Director John Ainsworth and Staff:

Last fall we collected over 1200 signed short but powerful statements of why we oppose the proposed CalAm desal plant. Since then, we have gathered even more. Citizens for Just Water started collecting signatures at the Women's March Monterey Bay in January. After the COVID19 induced Shelter In Place orders were eased, we donned our facemasks and collected 150 more signed statements at, "Everyone's Harvest, Farmers' Market, Marina."



Our 1400+ gathered petitions, from Marina and nearby communities

Here is the statement:

I AM AGAINST THE CAL AM DESALINATION PROJECT PROPOSED IN MARINA BECAUSE:

- 1) CalAm's project steals groundwater from Marina's aquifers and sends it to the Peninsula!
- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
- 4) CalAm's project plans to build pipes and structures on the same Cemex site already designated by the CA Coastal Commission for beach access, conservation and low-cost recreation when the sandmining stops in 2020.
- 5) CalAm's project ignores a feasible recycled water project, the Pure Water Monterey Expansion, that can provide the Peninsula with all the water they need without adverse effects to the Marina community.
- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! Please deny the permit to CalAm!

Following are a sample set of signatures from those who signed since the November 14, 2019 Coastal Commission hearing in Half Moon Bay:

I am against the CalAm desalination project proposed in Marina because:

- 1) CalAm's project steals groundwater from Marina's aquifers and sends it to the Peninsula!
- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
- 4) CalAm's project plans to build pipes and structures on the same Cemex site already designated by the CA Coastal Commission for beach access, conservation and low-cost recreation when the sandmining stops in 2020.
- 5) CalAm's project ignores a feasible recycled water project, the Pure Water Monterey Expansion, that can provide the Peninsula with all the water they need without adverse effects to the Marina community!
- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! Please deny the permit to CalAm!

Date: 8/30/2020 Signature: *[Signature]*

Name: Olivia Woolley Initials: DW Phone #: [Redacted]

Email: [Redacted] City: Marina Zip: 93937

I want to volunteer I want to save the date November 14th, 9:00 am Zoom

I will need a ride to Half Moon Bay for the meeting September 17, 2020

I am against the CalAm desalination project proposed in Marina because:

- 1) CalAm's project steals groundwater from Marina's aquifers and sends it to the Peninsula!
- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
- 4) CalAm's project plans to build pipes and structures on the same Cemex site already designated by the CA Coastal Commission for beach access, conservation and low-cost recreation when the sandmining stops in 2020.
- 5) CalAm's project ignores a feasible recycled water project, the Pure Water Monterey Expansion, that can provide the Peninsula with all the water they need without adverse effects to the Marina community!
- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! Please deny the permit to CalAm!

Date: 8/9/20 Signature: *[Signature]*

Name: LAU TH LE (Lyn) Initials: - Phone #: [Redacted]

Email: Lau Th Le City: MARINA Zip: 93937

I want to volunteer I want to save the date November 14th, 9:00 am Zoom

I will need a ride to Half Moon Bay for the meeting August 12-14, 2020

No email Lovey to help can help at Farmers Market

September 17, 2020

I am against the CalAm desalination project proposed in Marina because:

- 1) CalAm's project steals groundwater from Marina's aquifers and sends it to the Peninsula!
- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
- 4) CalAm's project plans to build pipes and structures on the same Cemex site already designated by the CA Coastal Commission for beach access, conservation and low-cost recreation when the sandmining stops in 2020.
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- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! **Please deny the permit to CalAm!**

Name A Sarah Brunelbaum Date 1/18/20 Phone # [REDACTED]
Address [REDACTED] City Castroville Zip: 95012
Email [REDACTED] Signature [Signature]

- I am planning to attend the CCC meeting in Scott's Valley on March 11, 12 or 13 (exact date TBD).
 I am interested in reserving a spot in a free bus to attend the CCC meeting.
 I will drive my own car to the CCC meeting. I will have space for _____ passengers.
 I will not be able to attend the CCC meeting in Scott's Valley on March 11, 12 or 13, 2020.

I am against the CalAm desalination project proposed in Marina because:

- 1) CalAm's project steals groundwater from Marina's aquifers and sends it to the Peninsula!
- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
- 4) CalAm's project plans to build pipes and structures on the same Cemex site already designated by the CA Coastal Commission for beach access, conservation and low-cost recreation when the sandmining stops in 2020.
- 5) CalAm's project ignores a feasible recycled water project, the Pure Water Monterey Expansion, that can provide the Peninsula with all the water they need without adverse effects to the Marina community!
- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! **Please deny the permit to CalAm!**

Name Karen Smith Arango Date 1/18/20 Phone # [REDACTED]
Address [REDACTED] City SALINAS Zip: 93902
Email [REDACTED] Signature [Signature]

- I am planning to attend the CCC meeting in Scott's Valley on March 11, 12 or 13 (exact date TBD).
 I am interested in reserving a spot in a free bus to attend the CCC meeting.
 I will drive my own car to the CCC meeting. I will have space for _____ passengers.
 I will not be able to attend the CCC meeting in Scott's Valley on March 11, 12 or 13, 2020.

I am against the CalAm desalination project proposed in Marina because:

- 1) CalAm's project steals groundwater from Marina's aquifers and sends it to the Peninsula!
- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
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- 5) CalAm's project ignores a feasible recycled water project, the Pure Water Monterey Expansion, that can provide the Peninsula with all the water they need without adverse effects to the Marina community!
- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! **Please deny the permit to CalAm!**

Name Wesley Sims Date 2/9/20 Phone # [REDACTED]
Address [REDACTED] City Marina Zip: 93733
Email [REDACTED] Signature [Signature]

- I am planning to attend the CCC meeting in Scott's Valley on March 11, 12 or 13 (exact date TBD).
 I am interested in reserving a spot in a free bus to attend the CCC meeting.
 I will drive my own car to the CCC meeting. I will have space for _____ passengers.
 I will not be able to attend the CCC meeting in Scott's Valley on March 11, 12 or 13, 2020.

I am against the CalAm desalination project proposed in Marina because:

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- 2) CalAm's project creates salt water contamination and damages our sole source of drinking water in a critically overdrafted basin!
- 3) CalAm's project damages rare & endangered species on Marina's sensitive dune habitats.
- 4) CalAm's project plans to build pipes and structures on the same Cemex site already designated by the CA Coastal Commission for beach access, conservation and low-cost recreation when the sandmining stops in 2020.
- 5) CalAm's project ignores a feasible recycled water project, the Pure Water Monterey Expansion, that can provide the Peninsula with all the water they need without adverse effects to the Marina community!
- 6) Marina is a small, working class city with high diversity who would receive zero benefits but suffer all the harm and risks in order to benefit another district!
- 7) CalAm's project is unfair, unnecessary and uninvited! **Please deny the permit to CalAm!**

Name Pamela Tencus Date 3/5/20 Phone # [REDACTED]
Address [REDACTED] City Marina Zip: 93733
Email [REDACTED] Signature [Signature]

Estoy en contra del proyecto de desalinización de CalAm propuesto en Marina porque:

- 1) El proyecto de CalAm roba agua subterránea de los acuíferos de Marina y lo envía a la península.
- 2) El proyecto de CalAm cree contaminación de agua salada y daña nuestra única fuente de agua potable en una cuenca con sobregiro crítico.
- 3) El proyecto de CalAm dana especies raras y en peligro de extinción en los hábitats sensibles de dunas de Marina.
- 4) El proyecto de CalAm planea construir pipas y estructuras en el mismo sitio de Cemex ya designado para acceso a la playa, conservación, y recreación de bajo costo por la Comisión Costal CA cuando se detiene la extracción de arena en 2020.
- 5) El proyecto CalAm ignora un proyecto factible de agua reciclada, la Expansión Agua Pura Monterey, que pueda proporcionar toda el agua necesaria sin efectos adversos para la comunidad de Marina.
- 6) Marina es una pequeña ciudad de clase trabajadora con alta diversidad que no recibirá ningún beneficio, pero sufrirá todo el daño para beneficiar a otro condado.
- 7) El proyecto de CalAm es injusto, innecesario, y sin invitación. **(Por favor, niegue el permiso a CalAm!)**

Nombre Fabrizio Cortez ⁰²⁷ Fecha 6/4/20 Teléfono [Redacted]
 Dirección [Redacted] Ciudad Marina CA Código postal 93933
 Correo electrónico [Redacted] Firma Fabrizio Cortez

- Estoy planeando asistir a la reunión del CCC en Scott's Valley el 11 -13 de marzo (fecha exacta desconocida)
- Estoy interesado en reservar un lugar en un autobus gratuito para asistir a la reunión del CCC.
- Conduciré mi propio automóvil a la reunion del CCC. Tendré espacio para _____ pasajeros.
- No podré asistir a la reunion del CCC en Scott's Valley el 11, 12 o 13 de marzo de 2020.

Please hear our voices, follow your staff's recommendation, and deny CalAm's desal project!

Sincerely,
 Audra Walton
 Marina, California
 Activist since 2016 for sustainable and equitable water resources

September 2020 Agenda Item undefined 3a - Appeal No. A-3-MRA-19-0034 (California American Water Company, et. al., Monterey Co.)

Therese Kollerer <therese.c4justwater@gmail.com>

Fri 9/11/2020 4:54 PM

To: Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>; Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>; Aminzadeh, Sara@Coastal <sara.aminzadeh@coastal.ca.gov>; Hart, Caryl@Coastal <caryl.hart@coastal.ca.gov>; Escalante, Linda@Coastal <linda.escalante@coastal.ca.gov>; Bochco, Dayna@Coastal <dayna.bochco@coastal.ca.gov>; Groom, Carole@Coastal <carole.groom@coastal.ca.gov>; Howell, Erik@Coastal <erik.howell@coastal.ca.gov>; Rice, Katie@Coastal <katie.rice@coastal.ca.gov>; Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>; Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>; Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>; Dettmer, Alison@Coastal <Alison.Dettmer@coastal.ca.gov>
Cc: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Citizens for Just Water
13809 Sherman Blvd.
Marina, California 93933

California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

Dear Chair Padilla and Coastal Commissioners, John Ainsworth, Tom Luster, Alison Dettmer, and Staff:

Our grassroots organization holds mostly residents of Marina and Ord Communities, members of the Marina Coast Water District (MCWD).

As we have communicated with the Commission on several occasions, and at many locations up and down the state over the last few years, we are against the placement of 6 additional slant wells at the Cemex dunes and beach, and against the construction and operation of an inland desalination facility where the water would be treated.

This project has many flaws, most addressed in the CCC Staff Report, including:

- Damage to the coastal dunes and ESHA.
- Taking of large volumes of groundwater by Cal-Am, for which it has no water rights, beyond the 500 AFY that the Cemex easement may offer it. Unknown ability of CalAm to ever get "appropriative rights" once it has been allowed to start pumping from multiple slant wells.
- Initial and ongoing upheaval to Marina, a disadvantaged community, and one which gets no benefits - not a single drop of desalinated water- only harm, from having this unwelcome project possibly forced upon it.
- Already having caused significant direct harm to Marina and MCWD due to the many resources spent fending off Cal-Am. The City of Marina has already spent at least \$3.5 Million...money and focus that could have been utilized for many other civic investments, such as infrastructure maintenance, a new fire truck, the Senior Center, etc.
- IMMEASURABLE negative impacts caused by the interruption of the plan to hand over the Cemex property for recreational and conservation purposes in perpetuity, resulting from the 2017 agreement between the Coastal Commission, State Lands Commission and Cemex to wind down sandmining operations on this 400 acre site.

Photo Collages - Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Liesbeth Visscher <liesbethvisscher@yahoo.com>

Fri 9/11/2020 4:14 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: Bochco, Dayna@Coastal <dayna.bochco@coastal.ca.gov>; Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>; Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>; Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>; Groom, Carole@Coastal <carole.groom@coastal.ca.gov>; Howell, Erik@Coastal <erik.howell@coastal.ca.gov>; Aminzadeh, Sara@Coastal <sara.aminzadeh@coastal.ca.gov>; Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>; Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>; Hart, Caryl@Coastal <caryl.hart@coastal.ca.gov>; Escalante, Linda@Coastal <linda.escalante@coastal.ca.gov>; Rice, Katie@Coastal <katie.rice@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>; Dettmer, Alison@Coastal <Alison.Dettmer@coastal.ca.gov>

 2 attachments (8 MB)

30x20 Collage people with Snowy Plover Signs - 200811 96 dpi.jpg; 30x20 Collage Marina Businesses 200831 96 dpi.jpg;

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

Since we cannot attend meetings in person, we have taken many photos of residents and business owners in Marina to try to show you that they are all asking to deny CalAm's harmful project.

I am sending you two photo collages that might not be shown correctly in the PDFs of the email messages that have been sent by Marina residents. This is only a small collection of the photos that we have taken of people with the Snowy Plover "Stop CalAm" poster. This poster is being displayed in many windows of businesses and homes in Marina and the Fort Ord Communities.

Thank you for your time,
Liesbeth Visscher,
Citizens for Just Water volunteer,
Resident of Marina, CA







Marina Businesses are asking to **stop CalAm!**

Stop CalAm

Giúp tôi 도움말
Ayuda
帮助 ヘルプ

HELP!

CA Coastal Commission Zoom Meeting **September 17, 2020**
JUST WATER for updates visit citizensforjustwater.org



Monterey Peninsula Water Supply Project, Appeal No. A-3-MRA-19-0034 and Application No. 9-19-0918

Cornell, Wendy <WCornell@sflaw.com>

Fri 9/11/2020 9:06 PM

To: Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>; CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>
Cc: Spaulding, Skip <SSpaulding@sflaw.com>

 7 attachments (17 MB)

Sept 11 2020 Letter to Coastal Commission.pdf; Marina Exh 1 - WRA Review of Cal-Am HMMP.pdf; Marina Exh 2 - 2020-04-13 GDE Tech Memo.pdf; Marina Exh 3 - WRA_Marina Report_30July20.pdf; Marina Exh 4 - 2020-08-13 Review of Weiss 2020 Rpt.pdf; Marina Exh 5 - Final 2020 Monterey Water and Demand Peer Review.pdf; Marina Exh 6 - 2020-08-23 Response to GSS Comments; 2020-08-22 Comments on SVBGSA GDE-ISW Memo.pdf;

Dear Mr. Luster, Chair Padilla and Honorable Commissioners:

A the request of Paul P. Spaulding, III, I am sending the attached letter and Exhibits 1 through 6 thereto.

Very truly yours,

Wendy Cornell

Assistant to Arthur J. Shartsis, Charles R. Rice, Larisa Meisenheimer,
Felicia Draper and Daniel Poniatowski

Shartsis Friese LLP

 One Maritime Plaza, 18th Floor | San Francisco, CA 94111
415-421-6500 Phone | 415-421-2922 Fax

[wcornell@sflaw.com]wcornell@sflaw.com



SHARTSIS FRIESE LLP

One Maritime Plaza ♦ Eighteenth Floor
San Francisco, California 94111-3598

Paul P. "Skip" Spaulding, III
SSpaulding@sflaw.com
(415) 773-7203
Fax: (415) 421-2922

- September 17, 2020 Meeting, Agenda Item ## Th3a and Th4a
- City of Marina
- Appeal No. A-3-MRA-19-0034 and App. No. 9-19-0918
- In support of Staff Recommendation

September 11, 2020

Via Overnight Mail and Email (Tom.Luster@coastal.ca.gov
and CalAmMonterey@coastal.ca.gov)

Chair Stephen Padilla and Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

**Re: Monterey Peninsula Water Supply Project
Appeal No. A-3-MRA-19-0034 and Application No. 9-19-0918
Commission Sept. 17, 2020 Meeting, Agenda Nos. Th3a and Th4a**

Dear Chair Padilla and Honorable Commissioners:

On behalf of the City of Marina ("City" or "Marina"), we submit this comment letter regarding the two Coastal Development Permits ("CDPs") -- one appealed to the Commission from a CDP denial by the City of Marina and one constituting an original consolidated CDP application -- being sought by California-American Water Company ("CalAm") for the Monterey Peninsula Water Supply Project ("Project" or "MPWSP"). As explained in further detail below, the City urges the Coastal Commission to deny both Coastal Development Permits.¹

I. Introduction

The City strongly supports the recommendation of Coastal Commission Staff, in its August 25, 2020 Staff Report ("Staff Report"), that the Commission deny both the "appealed"

¹ The City of Marina bases this comment letter not only on the specific materials cited herein, but also on all of its comment letters, reports and other materials it has submitted to the Coastal Commission during the pendency of these CDP appeal and original proceedings, as well as on the complete administrative record developed in the underlying City of Marina proceedings relating to CalAm's application for a CDP for the Project from the City.

and “consolidated” CDPs sought by CalAm for the Project. The Staff has continued to recommend denial consistent with its original October 28, 2019 Staff Report (“2019 Staff Report”). Although ten months have passed since the original staff report was issued and further information has been submitted to and developed by Staff, the CDP analyses and conclusions of Staff remain completely appropriate and are fully supported by the comprehensive administrative record that has been developed over the last 18 months.

As you know, the MPWSP is a large industrial desalination project that would be constructed in, through and around the City. Although CalAm characterizes the Project as an ocean desalination plant that would “draw seawater from beneath the ocean floor,” it is actually a “groundwater basin” desalination project that would extract approximately 17,300 acre feet per year (“afy”) of groundwater from the Salinas Valley Groundwater Basin (“Basin”) and export almost all of it after treatment to the affluent Monterey Peninsula communities to the south. The City is completely dependent on the Basin’s clean, local and affordable water source, which provides 100% of its drinking water.

On March 7, 2019, the City of Marina Planning Commission denied a Coastal Development Permit for the Project for most of the same reasons articulated for permit denial in the Staff Report. The Project is remarkable for the range of very serious environmental, economic and social problems it will cause. Moreover, it is fatally inconsistent with a wide range of Marina Local Coastal Program (“LCP”) and Coastal Act policies and cannot be approved. Although CalAm continues to vigorously promote the Project, it has become clear that this Project is the wrong project at the wrong time in the wrong place. Not only is the Project based on inflated water demand projections, an outdated groundwater model and an unsustainable economic foundation, but it would cause irreparable adverse impacts to coastal ecosystems, disadvantaged communities and precious groundwater resources.

The Commission, as recommended by its Staff, should deny the appealed and consolidated CDPs for the Project for the following reasons, among others:

- **Critically Incomplete Project Application:** CalAm has failed to apply for a CDP for one major component of the Project within the coastal zone -- the installation of a new protective liner within the Project outfall -- which prevents the Commission from evaluating all of the Project’s coastal impacts and makes the Project application incomplete. The Final EIR adopted by the CPUC directed CalAm to “include the land segment outfall lining and associated activities in [its] CDP application.” However, CalAm has refused to do so, claiming that this should be the responsibility of Monterey One Water. The result is that the Commission’s evaluation of the Project’s impacts in the coastal zone has been segmented, in violation of legal requirements and the directives in the Final EIR. The CDP applications must be denied for this reason alone. (*See* Section II herein.)

- **ESHA Impacts:** The Project’s well field, pipeline and other components in the coastal zone would cause adverse impacts to at least 35 acres of valuable ESHA, including permanent impacts to potentially several dozen acres of Flandrian dune and coastal habitat ESHA on the City’s coastline. CalAm contends that its new Habitat Mitigation and Monitoring

Plan (“HMMP”) supposedly fully and effectively mitigates for these Project impacts, but the City’s expert Dr. Mike Josselyn (WRA Environmental) has prepared an analysis reflecting that the HMMP is wholly deficient. *See Exhibit 1* herein. The Staff Report agrees that the HMMP does not conform with Commission requirements. CalAm asserts that it somehow has acquired the right to develop its Project on the CEMEX Property, but in fact the CEMEX Settlement Agreement on which it relies requires the Project to obtain all CDPs before any project can be built. Moreover, since the CEMEX site must be reclaimed by CEMEX after its active sand mining shuts down in four months, the attempt by CalAm to mitigate on this same site is not allowable for multiple reasons. (*See* Section III(A) herein.)

- **Coastal Hazards:** The Commission is rightly concerned about the coastal hazards threatening the Project slant well facilities. According to the Staff Report, “[t]he Bay shoreline near Cal-Am’s proposed well field has exhibited the highest annual erosion rates in the state, due in part to relatively high levels of wave energy and the easily erodible sand that makes up most of the Bay shoreline.” Staff Report, at 55. The erosion is exacerbated by the fact that CEMEX sand mining operations have removed more than 100,000 cubic yards of sand annually, “thereby exacerbating the ongoing natural erosive processes.” *Id.* at 56. Since CalAm’s slant wells apparently will need to be replaced in 20-25 years due to their limited life and in light of the new state sea level rise assumptions, it is likely that the slant wells will need to be replaced and moved in only 20-25 years, for a project with a 60-year life. However, since CalAm does not have, and is barred by the CEMEX Settlement Agreement from obtaining, any easement landward of the current well locations, it will not be able to move the wells. For all of these reasons, the Project is not feasible over the long-term, particularly in comparison to the expansion of the Pure Water Monterey project. (*See* Section III(B) herein.)

- **Wetlands And Vernal Pond Impacts:** There are seven sets of wetlands, vernal ponds and other groundwater-dependent ecosystems (“GDEs”) totaling about 25 acres located in and near the City that are sustained by groundwater in the Dune Sand Aquifer, which is the uppermost Basin aquifer where the Project’s slant wells would be constructed. These valuable coastal ecosystems are managed by a comprehensive management plan that was prepared (with assistance from the Commission) and adopted in 1994 by the City. Two recent reports -- one hydrological and one biological -- demonstrate that these ponds are groundwater dependent and could be dramatically affected by the Project’s slant well extraction activities that cause groundwater drawdown. The Commission has a duty to protect these sensitive coastal and public trust resources. These anticipated adverse GDE impacts are yet another threat by the Project to Marina’s sensitive coastal ecosystems. The reports prepared for Marina on this topic are enclosed herewith as **Exhibit 2, Exhibit 3 and Exhibit 6.** (*See* Section III(C) herein.)

- **Coastal Water/Marine Resource Impacts:** Marina’s LCP and the Coastal Act require protection of marine resources, ocean water quality and biological productivity when considering issuance of a CDP. In this case, as the Staff Report finds, the Project proposes to place “fill” for structures in coastal waters (potentially including a diffuser retrofit, buoy installation and outfall clamp replacement). Such fill is allowed *only* if the three-part “override” test in Coastal Act Section 30233 is met. The City agrees with Staff that “the Project does not

conform to Section 30233 because there is a feasible and less environmentally damaging alternative project that will not require fill in coastal waters and because not all mitigation has been identified and imposed.” Staff Report, at 66. (*See* Section III(D) herein.)

- **Groundwater Depletion Impacts:** One important Coastal Act policy is “preventing depletion of ground water supplies.” Coastal Act § 30231. The State Water Resources Control Board, in its Resolution No. 2015-0033 approving the Ocean Plan desalination amendment, stated that a facility with subsurface wells with the potential to “exacerbate saltwater intrusion into freshwater aquifers or alter groundwater flow” to such aquifers and wells “is unlikely to be approved.” Recent studies of the Basin, including those by a Stanford University research team using state-of-the-art Airborne Electromagnetic (“AEM”) imaging, disclose that the Project is likely to deplete and contaminate this water supply. The July 10, 2020 Report prepared by the Coastal Commission’s independent hydrogeology consultant (Weiss Associates) confirms these potential risks and demonstrates that as little as 72% of the extracted groundwater qualifies as “seawater.” The City’s hydrogeology consultant (Formation Environmental) has analyzed and confirmed these findings in an August 13, 2020 Technical Memorandum enclosed herewith as **Exhibit 4**. (*See* Section III(E) herein.)

- **Public Access Impacts:** One critical set of Coastal Act and Marina LCP policies protect public access and recreation. This is particularly important in this location because, only three years ago, as a result of coordinated enforcement actions by the Coastal Commission, the City of Marina and the State Lands Commission, the agencies successfully ended the CEMEX sand mining operations on a portion of this site that had caused decades of environmental depredations to this coastal habitat. This settlement requires that the property owner end its mining operations by December 2020, fully reclaim and restore the site, and then convey it to a governmental or non-profit organization with an easement in perpetuity for conservation and public recreation purposes. The huge permanent 35-acre easement area for the wellfield facilities poses major public access issues at a critical access point. (*See* Section III(F) herein.)

- **Environmental Justice Impacts:** The City of Marina is a diverse, working-class community. It qualifies as a community of color and a low-income community under various federal, state and local laws and programs. The Project would have wide-ranging and disproportionate impacts on the social, economic, cultural and environmental values of this community of concern. As the Staff Report concludes: “The proposed Project also results in adverse coastal resource effects within the community of Marina that is already disproportionately burdened by many other industrial uses and would receive none of the project benefits. There is a long history of government institutions allowing unwanted industrial development to be concentrated in underserved communities of color without their consent. Approving yet another would perpetuate this discriminatory land use practice in Marina.” Staff Report, at 101.

The City of Seaside, immediately adjacent to Marina, is also a community protected by environmental justice principles, and because is it within CalAm’s service area, is expected to suffer crippling water rate increases that some residents fear will force them to sell their homes.

CalAm unpersuasively argues that these impacts are addressed by CalAm's ratepayer assistance program, which does not affect Marina and is only of marginal assistance for low-income Seaside residents. (*See* Section IV herein.)

- **Water Supply and Demand:** It is undisputed that the water demand in CalAm's service area has averaged only about 9,800 afy over the last five years, yet CalAm predicates its Project on the need to obtain a total of 14,000 afy of water for its customers. Since CalAm's service area population is not expected to grow substantially in the next 20 years, CalAm has been relegated to phantom arguments about an expected "tourism rebound," a Pebble Beach buildout and a demand surge after removal of water conservation restrictions (directly contrary to new State laws which impose permanent future water use restrictions) to justify these unsupported projections. Moreover, CalAm has unfairly attacked the Monterey Peninsula Water Management District ("MPWMD") for making its own expert water demand/supply projections (which demonstrate that an expansion of the Pure Water Monterey project would meet CalAm customer water demands for decades), when in fact MPWMD is required by law to make these projections on an annual basis. Regardless, the demand numbers do not justify a large desalination project. As the City's water demand/supply expert explains, in a report dated April 2020, due to the very high fixed Project costs and the likely outcome that it will run far below capacity, the cost to CalAm's ratepayers will be astronomical. (*See Exhibit 5* and Section V(B) herein.)

- **Feasible Alternative Water Solution (PWM Expansion):** The Pure Water Monterey Expansion Project ("PWM Expansion") is a feasible alternative to CalAm's Project. A recent analysis by MPWMD reflects that the PWM Expansion would provide sufficient water for this service area for at least 20 years and likely considerably longer. The PWM Expansion would produce water at approximately one-third of the cost of expensive desalination water, would have virtually no environmental impacts, and can be on-line more quickly than the Project. Since any approval of CalAm's Project would require an "override" of Coastal Act and Marina LCP policies and such an override requires a finding that no other feasible project is present, the availability of the feasible PWM Expansion prevents any Section 30260 "override." (*See* Section V(B) herein.)

- **Coastal Act Override:** Coastal Act Section 30260 allows an override of Coastal Act requirements only if three major criteria are met. In this case, as the Staff Report concludes, none of the criteria can be met. In addition to the existence of the feasible alternative described above, the public welfare would not be harmed (but rather would be promoted) by denial of the Project CDPs. Further, as the Marina Planning Commission found in its denial decision and the Staff Report determines, the third criteria requiring that the adverse impacts have been "mitigated to the maximum extent feasible" has not been met. (*See* Section V herein.)

- **Public Trust Duties:** The Commission has an independent affirmative and fiduciary duty, under the public trust doctrine, to protect public trust resources for the benefit of all Californians and future generations. This duty encompasses the preservation of public trust resources in their natural state. In particular, in connection with these CDP applications, the

Commission must protect the terrestrial and special dune habitat, the vernal ponds and wetlands, and (under recent law) the groundwater that is interconnected with surface water features. By denying the CDPs, the Commission would be meeting its obligations under the public trust doctrine.

- **No Water Rights:** It is undisputed that the Project lacks any current water rights to the groundwater that it intends to extract through the slant wells in the coastal zone. The Subbasin in which it hopes to extract groundwater is one of only 21 basins in California that has been designated as “critically overdrafted.” CalAm has no overlying rights, appropriative rights or prescriptive rights for its plan to pump 15.5 million gallons of groundwater per day. Rather, it hopes to use an untested and risky “salvaged water” theory that no court has ever authorized and it has no real chance of success. This is a “showstopper” issue that makes the Project infeasible and compels the denial of any CDP for it. Moreover, CalAm is prevented by the Annexation Agreement applicable to the CEMEX property from extracting more than 500 afy of groundwater (a tiny fraction of the 17,300 afy it plans to extract) and cannot export this groundwater outside of the Basin. The City of Marina has filed litigation on this subject, which is currently pending.

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II. The Project’s CDP Applications Are Fatally Flawed And Incomplete Because They Do Not Include The Extensive Coastal Zone Impacts Of The Project’s Outfall Liner And Other Outfall Related Work.

CalAm plans to use the existing outfall for Monterey One Water’s facility to convey the brine wastewater from the desalination plant to Monterey Bay. However, the corrosive characteristics of the brine require CalAm to install a protective lining in the land segment of the outfall. In the Final EIR, Mitigation Measure 4.13-5b details the installation of this protective liner. Final EIR, at 4.13-27 to 4:13-30. The failure of CalAm to submit an application for this integral portion of the Project to Marina (the local coastal agency) or to the Commission has resulted in prohibited segmentation of the Project and, at a practical level, prevents the Commission from evaluating the entire coastal zone impacts of the Project.

The Final EIR certified by the CPUC requires that CalAm “include the land segment outfall lining and associated activities in [its] CDP application.” Errata to March 2018 Final EIR/EIS at E-8 (Sept. 2018). However, CalAm has failed to do so. As a result, CalAm has not provided either the Commission or the City of Marina with the information necessary to grant a CDP. Indeed, the Staff Report notes that CalAm “did not include this aspect of the work needed for this Project in its CDP application” and “there is not a complete final description of the work at this point.” Staff Report, at 18.

CalAm has tried to “finesse” its failure to comply with the Final EIR’s requirement by representing that it “plans to have the work done by the agency that operates the treatment facility.” 2019 Staff Report, at 4. As a result, Monterey One Water (“M1W”) “will be responsible for obtaining a CDP and other relevant permits for that work.” *Id.* at 4, 45. However, the Final EIR states the opposite and establishes that CalAm is responsible for lining the land segment of the outfall under an agreement with M1W. Final EIR, at 4-13-29. CalAm’s failure to include the outfall liner in its CDP application is a fundamental deficiency that justifies the denial of CalAm’s CDP applications.

In its June 30, 2020 Letter (page 5 of Attachment A), CalAm incorrectly asserts that “the M1W outfall work is a wholly separate project that may be separately conditioned when M1W applies for a CDP for that work.” However, to the contrary and as the Final EIR makes clear, the outfall is an integral part of the Project and legally cannot be segmented from it. This is especially true because, since the Commission is considering the possibility of a Section 30260 “override,” it is essential that it have all of the Project’s coastal zone impacts before it.

It is evident that the outfall liner work will have very significant ESHA impacts. Mitigation Measure 4.13-5b requires “the phased installation of a protective liner system along the entire approximately 13,000-foot-long land segment of the outfall.” *Id.* at 4.13-27–4.13-28. CalAm identified ten access locations where it plans to dig excavation pits directly above the outfall pipe to install the liner in segments. *Id.* at 4.13-29. These excavation pits will be up to 12 feet by 25 feet, and CalAm plans to store the excavated soil by “stockpil[ing] [it] within the existing outfall right-of-way.” *Id.* at 4.13-29. Notably, some of this excavation and construction will occur in ESHA. Indeed, the Final EIR identifies Access Point 10 as located within the coastal dune ecosystem, most of which is ESHA. See Figure 4.13-1, Final EIR, at 4.13-29.

The Final EIR states that the excavation pits for the outfall liner “would be located in areas with similar types of biological resources as the Source Water Pipeline.” Final EIR, at 4.13-35. Accordingly, installation work for the outfall liner, like construction of the Source Water Pipeline, would adversely impact the “threatened” western snowy plover, whose critical habitat includes the beaches from Moss Landing south to Monterey. *Id.* at 4.6-72. In particular, the Final EIR recognizes that western snowy plovers have “a high potential to nest along the beach and foredunes,” and they “may use the beach and dunes within all subsurface slant well and Source Water Pipeline work areas for wintering, roosting, and foraging.” *Id.* at 4.6-54.

Both the Final EIR and the Staff Report recognize that construction noise or activity would impact western snowy plover. The Final EIR notes that such activity would have significant impacts “during western snowy plover breeding season . . . by causing temporary flight of breeding birds and potentially permanent effects from nest abandonment or failure.” Final EIR at 4.6-142. However, installation of the outfall liner must occur during the March through September breeding season, because CalAm can install the liner “only during the irrigation season (April through September), when flows in the outfall would be minimal.” *Id.* at 4.13-29. Accordingly, as the Staff Report correctly concludes, the significant disturbances from installing the outfall liner will impact a “critical habitat area” for the western snowy plover “during a critical time period for the species.” Staff Report, at 44.

In addition to western snowy plover, installation of the outfall liner would potentially impact Monterey spineflower and “a number of other special-status plants” as well as the habitats of the Smith’s blue butterfly and other species. Final EIR at 4.6-142–4.6-143. The installation of the outfall liner would likewise impact environmentally sensitive coastal dunes and ESHA. Staff Report, at 44.

As outlined in the preceding paragraphs, CalAm’s construction activities in ESHA would not conform to Coastal Act Section 30240 or the corresponding LCP provisions because those

activities are not resource-dependent activity. Therefore, anticipated impacts from the installation of the outfall liner require the Coastal Commission to deny CalAm's CDP applications.

Finally, in Attachment C to its June 20 Letter, CalAm proposes what it calls a "Special Condition" that "prior to commencement of Project operation," it "shall demonstrate that a Coastal Development Permit or Amendment has been obtained authorizing Project-related construction on the Monterey One Outfall." In short, CalAm proposes to obtain a CDP 3-4 years from now before it actually starts operating the Project. This is not a condition designed safeguard the affected coastal ecosystems and species, and it does not promote comprehensive protection of coastal zone resources. Rather, it impermissibly attempts to authorize CalAm to wait years before even applying for the outfall liner CDP. The Commission should reject this proposed condition.

III. The Requested Coastal Development Permits Are Not In Conformance With The Requirements And Policies of the Coastal Act Or Marina's Local Coastal Program.

The first level of analysis for a coastal development permit is to determine whether the proposed facilities and activities in the coastal zone are in conformance with the policies and requirements of the applicable Local Coastal Program ("LCP") and Coastal Act policies. The CDPs requested by CalAm implicate both the Marina LCP (for the appealed permit) and the Coastal Act (for both permits). In the sections below, we will demonstrate that the permits requested by CalAm for the Project are fatally inconsistent with the ESHA, coastal hazards, wetland protection, coastal waters/marine impacts, groundwater depletion, and public access policies and requirements contained in Marina's LCP and the Coastal Act.

A. Environmentally Sensitive Habitat Areas (ESHA) -- Terrestrial

As the City has demonstrated in prior comments and in expert reports by WRA Environmental Consultants ("WRA"), the Project's proposed facilities in the coastal zone are not in conformance with Marina's Local Coastal Program policies or applicable Coastal Act policies. As discussed herein, the Project will have widespread and permanent impacts on ESHA that are not allowed under the Coastal Act. CalAm's proposed Habitat Mitigation and Monitoring Plan is woefully inadequate to address these impacts.

1. The Project Would Have Total Impacts On At Least 35 Acres Of ESHA, Which Is Not Allowable Because the Project Is Not "Resource Dependent."

In its February 7, 2019 Report that is part of the administrative record for the City Planning Commission CDP denial, WRA summarized the extremely high biological value of the terrestrial ESHA that would be impacted by the Project:

The Project is proposed within a unique and very significant coastal dune habitat known as Flandrian dunes. The Coastal Commission considers

this habitat as ESHA and the City categorizes it as Primary Habitat with equivalent protections to ESHA. Flandrian dunes are a unique habitat bordering Monterey Bay. This habitat has developed on large sand dunes that shift over time by wind and wave action.

The presence of over 30 special status species including seven plants and four animal species listed as threatened or endangered within the Flandrian dune habitat and their complex linkages justify considering the entire coastal dune habitat as an Ecosystem ESHA. Compensatory mitigation for individual species is largely inadequate when considering how to restore an entire ecosystem. Rather, mitigation for such ecosystem-level ESHAs must consider the foundational aspects of the habitat as well as the interactions between species.

In its Staff Report, the Commission emphasized the biological importance and unique nature of this habitat:

The CEMEX site consists primarily of central foredune habitat, which is one of the most important, vulnerable, and geographically constrained environmentally sensitive habitat types in California. The California Natural Diversity Database (“CNDDDB”) classifies it as “critically imperiled, this [thus] qualifying it as ESHA. Dunes form only under certain conditions where adequate sand supply and appropriate wind energy and direction allow. . . The habitat values in dune areas are therefore best understood in terms of the overall complex of dunes of which they are a part, and the Commission has typically found coastal dune habitat to be ESHA even when it is disturbed, due to its rarity, its important ecosystem functions, and its support of sensitive species.

Staff Report, at 34-35 (emphasis added).

The Staff Report carefully analyzed the anticipated Project impacts on ESHA, both for the appealed permit and the consolidated permit. It concluded that the Project’s anticipated impacts to terrestrial ESHA would be up to several dozen acres within the City of Marina’s jurisdiction, including a minimum of 7 acres of permanent impacts within the well field area and potentially multiples of this amount of permanent impact acreage in the pipeline routes. There would be up to 24 acres of additional ESHA impacts in the consolidated permit areas, with an unknown amount consisting of permanent impacts. Staff Report, at 31.

The Staff Report also identified an additional adverse impact to ESHA resulting from “the need for Cal-Am to protect or relocate its well sites due to the effects of sea level rise and coastal erosion.” Staff Report at 39. Since the slant wells apparently will need to be replaced after 20-25 years and given the latest sea level rise expectations, the wells will likely need to be replaced and moved before the Project even reaches half of its 60-year life. However, this presents a fundamental problem since CalAm does not hold easement rights further landward from the current locations, and (as discussed herein) will not be able to obtain such rights. On this point, the Staff Report states: “Those areas inland of the currently proposed well sites are

also within the area slated for restoration under the above-referenced CEMEX Settlement and are outside of Cal-Am's 30-acre easement, so relocation would require Cal-Am to obtain additional legal interest to any sites further inland -- which is something it is not clear Cal-Am will be able to do -- and would likely interfere with restoration efforts expected in those areas as part of the CEMEX Settlement." *Id.*

Both the Coastal Act and the Marina LCP provide that only uses dependent on the resources in ESHA can be sited in ESHA. The City's LCP Land Use Policy provides: "Primary habitat areas shall be protected and preserved against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within those areas." Similarly, Coastal Act Section 30240(a) provides that ESHA "shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas."

It is undisputed that the Project components sited in ESHA are not "resource dependent" within the meaning of these provisions because they do not depend on or need to consume this habitat for their proper functioning. Accordingly, these twin ESHA prohibitions completely bar the siting of any Project components in this ESHA and require denial of the Project in this location. Given these legal bars, the only route for the Project to be constructed in ESHA would be if it qualified for, and was granted, an override under Section 30260. As demonstrated below, the Project fails to meet any of these override criteria and therefore cannot be built in this ESHA.

In its June 30, 2020 Letter, CalAm attempts to bat away these arguments through incorrect legal statements and misplaced arguments. First, CalAm argues that the California Public Utilities Commission already found, in its Final EIR, that the impacts to ESHA are not significant and CalAm implies that, as a result, no extensive mitigation is required. However, CalAm has made a fundamental error. Both the City (in exercising its local coastal jurisdiction) and the Coastal Commission are responsible agencies who, as part of their interpretation and application of the Coastal Act, have full and complete control over determining the amount and extent of adverse impacts to ESHA and over the appropriate avoidance, minimization or mitigation measures for these impacts. Indeed, the Final EIR recognizes this authority.

Second, CalAm apparently asserts, as it has before, that it has a right to develop its Project on the CEMEX Property because this right was supposedly enshrined in the 2017 CEMEX Settlement Agreement. However, this argument has no factual basis. The CEMEX Settlement only recognized the real property easement rights established as of the date of the settlement. The Agreement clearly stated that "[n]othing in this Agreement guarantees or conveys any Right to development on the Site" and requires that any proposed development must receive a coastal development permit under the Coastal Act and/or the City of Marina Local Coastal Development Plan. CEMEX Consent Settlement Agreement and Cease and Desist Order CCC-17-CD-02, at § 2.1. CalAm's further contention that the City of Marina somehow "waived" an argument that "Cal-Am lacks a property right to use the CEMEX site" for certain purposes (June 30, 2020 letter at 2, fn. 2) is not accurate for the same reasons. Moreover, as

explained elsewhere herein, CalAm has improperly attempted to expand the scope of the easement it claims after the date of the CEMEX settlement.

2. CalAm's New Habitat Mitigation And Monitoring Plan Is Woefully Deficient And Fails To Qualify As A Plan That The Commission Can Or Should Adopt.

For two years, CalAm refused to provide either the City of Marina (during its consideration of the coastal development permit within its jurisdiction) or the Coastal Commission (in the current proceeding) with a Habitat Mitigation and Monitoring Plan ("HMMP") that specifically details mitigation for ESHA impacts. At the City level, CalAm took the spurious position that Marina was not entitled to receive a mitigation plan. In its denial decision, the Planning Commission concluded that "[t]his refusal is unjustified and contrary to law, and leads to our determination that this Ecosystem ESHA will not be protected in conformance with the LCP and Coastal Act." Finding 4-6.

The 2019 Staff Report agreed with the City's position on mitigation:

Under the LCP, the City may require mitigation above and beyond what is identified in a CEQA document in order to comply with the LCP and the Coastal Act, and it may require that mitigation be identified earlier than what is required through CEQA. Although the City could have required that Cal-Am provide its proposed mitigation and HMMP "prior to issuance" of a CDP, it chose instead to deny the application. Because the City was within its authority to request that Cal-Am identify mitigation measures with more specificity to ensure the project would comply with the LCP, this contention raises no substantial issue.

2019 Staff Report, at 22 (emphasis added).

A similar scenario played out at the Coastal Commission level. By letter dated August 22, 2019, the Commission notified CalAm that its application for a coastal development permit was incomplete. In the notice, the Commission requested a mitigation plan to address ESHA impacts that includes "the proposed locations, types, and size of the mitigation area(s), proposed performance standards and monitoring methods, proposed legal protections for the mitigation, and proposed contingency plans in the event of the mitigation area(s) not meeting performance standards." In response to the Commission's notice, CalAm submitted only a short memorandum that it called a "mitigation strategy overview."

The 2019 Staff Report appropriately found that "this Mitigation Strategy document is not consistent with Commission guidance and past approvals as to what is required to provide adequate mitigation." 2019 Staff Report, at 46. It observed that CalAm primarily uses an "in-lieu fee approach" inconsistent with ESHA mitigation requirements. The mitigation strategy also addresses only the CEMEX site, which does not encompass areas within the Commission's consolidated permit jurisdiction. As WRA noted in a critique, the strategy is actually habitat preservation (not restoration), which is insufficient because under the CEMEX settlement these

CEMEX areas are “already slated for preservation.” Finally, contrary to the Commission analysis that impacts occur to up to 35 acres of ESHA, the mitigation strategy incorrectly identifies only 2.2 acres of permanent impacts. *Id.*

In June 2020, CalAm finally submitted a proposed Habitat Mitigation and Monitoring Plan (“HMMP”) to the Commission. Unfortunately, although it provides more detail than the earlier “mitigation strategy overview,” the HMMP essentially consists of the same flawed mitigation approach and it is completely inadequate to satisfy legally mandated mitigation requirements.

The City requested that Dr. Mike Josselyn of WRA evaluate the HMMP and he prepared a July 29, 2020 Report that was provided to Commission Staff and is enclosed herewith as **Exhibit 1**. Dr. Josselyn reached the following conclusions, among others:

- The amount of proposed habitat replacement is manifestly insufficient. CalAm contends that there are only 2.2 acres of permanent impacts and about 19 acres of temporary impacts. However, the so-called “temporary impacts” are in fact permanent impacts under Coastal Commission standards. Thus, for the impacts within City of Marina jurisdiction alone, the required mitigation should be at least 51 acres. And this does not take into account the additional permanent impacts identified by the Commission within its own original jurisdiction, which were substantial.
- There is no assurance that the proposed restoration in HMMP will occur or will be consistent with an overall management plan for the CEMEX property because of mitigation timing issues.
- No Long Term Management Plan (“LTMP”) or endowment is proposed as required by the City’s Local Coastal Program. As a result, “the costs associated with long-term management actions are unknown and cannot be determined for the endowment...[and] LTMP is needed in order to determine if the endowment is sufficient to provide for success of the mitigation area for the duration of the operation of the slant wells.”
- The California Department of Fish and Wildlife (“CDFW”) has not found that the Project’s impacts on State protected species meet the requirements for issuance of an Incidental Take Permit (“ITP”). In its comments on the ITP application, CDFW “found that the calculation of temporary and permanent impacts were not consistent for the species” and concluded that “it is not clear if the proposed compensation for Project impacts is commensurate with the level of take for each species listed in the ITP application.”

The WRA Report also repeats, as stated in earlier reports, that “mitigation for such ecosystem-level ESHAs must consider the foundational aspects of the habitat as well as the interactions between species. Due to the difficulty of restoring these types of ecosystem ESHAs,

avoidance of these sensitive habitats must be given the highest priority when evaluating projects.” For this Project, no avoidance of sensitive dune ecosystems and species habitat of any type has been undertaken. Rather, CalAm has insisted that it wants the slant wells and associated facilities in this location. However, CalAm’s hopes and positions cannot override the important mitigation requirements of the Coastal Act.

The Staff Report also determines that the HMMP is deficient and “proposes a number of measures that are not consistent with past Commission-approved mitigation plans.” Staff Report, at 46. The deficiencies identified by Staff include, but are not limited to: (1) the failure to properly characterize many of what CalAm calls “temporary” impacts as “permanent impacts;” (2) insufficient mitigation ratios and amounts; (3) inapplicable site restoration standards; (4) failure to use full quantitative monitoring methods; and (5) the use of “relatively lenient” performance criteria. *Id.* The Staff Report adds: “Importantly, the HMMP proposes that most of the restoration activities take place within the CEMEX North Mitigation Area, which is already expected to benefit from preservation pursuant to the aforementioned [CEMEX] Settlement Agreement.” *Id.*

Since the Staff Report recognizes that the Project does not meet the two other Section 30260 “override” tests, it does not undertake to identify conditions that might address these nonconformities. Rather, the Report states: “thus, there is no need to determine whether the project’s ESHA impacts could, pursuant to the third test of that section, be mitigated to the maximum extent feasible.” *Id.* at 47.

In short, the Project is anticipated to have wide-ranging permanent adverse impacts to dozens of acres of valuable Ecosystem ESHA within the City of Marina’s coastal jurisdiction and within the Commission’s independent jurisdiction for which there is no mitigation plan that meets the “fully mitigated” (Marina LCP) or “maximum mitigation” (Coastal Act Section 30260) standards required by law. Accordingly, the requested Coastal Development Permits must be denied.

B. Coastal Hazards

The City requests that the Commission deny the CDPs on the basis that the Project is not sited to prevent coastal hazards. Instead, during its 60-year life, the Project would be subjected to these hazards, which are expected to become even more severe due to sea level rise and climate change. As a result, the Project is inconsistent with the requirements in the Coastal Act and in Marina’s LCP.

As the Staff Report correctly states, pursuant to Coastal Act Section 30253 and Marina’s LCP, new development must be sited to avoid and minimize risks associated with coastal and geologic hazards, such as from wave erosion, wind erosion, tsunami inundation, and shaking from earthquakes, for the entire duration of the development’s life. Staff Report, at 55. However, the Project is not sited in compliance with these requirements. Coastal Commission Staff explain that “[t]he Bay shoreline near Cal-Am’s proposed well field has exhibited the highest annual erosion rates in the state, due in part to relatively high levels of wave energy and

the easily erodible sand that makes up most of the Bay shoreline. The area has experienced, and will likely continue to experience, storm-driven erosion that results in losses of as much as 100 feet of beach during a single event.” *Id.* at 55-56 (emphasis added). The erosion is exacerbated by the fact that CEMEX sand mining operations have removed more than 100,000 cubic yards of sand annually. *Id.*, at 56.

Commission Staff previously requested that CalAm provide an updated assessment using current Commission guidance of expected sea level rise and erosion rates. 2019 Staff Report, at 51. In particular, the Commission was concerned about wind erosion rates that had not been fully addressed. *Id.*, at 51-53. After considering the information produced, Coastal Commission Staff determined that the Project slant wells would be subjected to wind erosion risks beginning in 2040, and that due to expected dune recession, “active burial of the well heads by dune sand could start by 2040.” *Id.*, at 52. The Project is expected to be in operation until 2080. *Id.*, at 53.

Consequently, CalAm would either need to remove and relocate the wells inland, or it would need to install protective measures to prevent burial. The first option is legally infeasible because CalAm cannot obtain an additional legal interest on the CEMEX lands. *Specifically, Sections 6.2(A) and (B) and 23.2 of the CEMEX Settlement Agreement bar CalAm from acquiring any new easement or other interest in the CEMEX property after June 15, 2017.* The only property interest that CalAm recorded prior to this date is a Memorandum of Option Agreement (but not the option agreement itself). This option is limited to two identified areas of 33.58 and 2.421 acres respectively. CalAm was not granted an easement until May 2018, and this easement purported (improperly) to modify and expand the easement area to 35.935 acres and 3.53 acres respectively. Thus, this easement fails to conform to the rights of record and is partially or fully invalid.

However, even more importantly, these CEMEX Settlement terms preclude CalAm from obtaining any future easement rights on the CEMEX property to move slant well facilities expected to be impacted or destroyed by coastal erosion or sea level rise during the Project lifetime. CalAm also cannot install protective measures because they would involve new impacts to ESHA and other coastal resources, which CalAm has already demonstrated it cannot mitigate to the maximum extent feasible as required under the Coastal Act.

This issue of coastal hazards was also a top concern for the City when it was evaluating the CDP. Although it is well understood that the effects of sea level rise and coastal erosion will be greater than previously assumed, CalAm refused to provide the City with current information using the updated Coastal Commission guidance to determine the realistic impacts of sea level rise on the Project facilities. Resolution, Findings 4-24 to 4-28. Now that more information is known about the significant impacts on the Project due to erosion and sea level rise, it is obvious that the CDPs must be denied because they are inconsistent with the Coastal Act and Marina’s LCP.

C. Wetlands and Vernal Pond ESHA

Wetlands, vernal ponds and other groundwater-dependent ecosystems (“GDEs”) are located in and near the City of Marina that are sustained by groundwater in the Dune Sand Aquifer, which is the uppermost aquifer where the Project’s slant wells would be constructed. There are seven sets of ponds totaling about 25 acres that are managed by a comprehensive management plan that was prepared (with assistance from the Commission) and then adopted by the City in 1994. These vernal pond features have been extensively studied in the last year and have been determined to constitute special coastal ecosystems that are believed to be dependent on groundwater in the Dune Sand Aquifer. We will briefly summarize two reports, enclosed with this letter, that analyze these features.

On April 13, 2020, Formation Environmental prepared a Technical Memorandum regarding the GDEs that arose from its work in preparing the Groundwater Sustainability Plan for the Marina Groundwater Sustainability Agency. This Memorandum is enclosed herewith as **Exhibit 2**. The Memorandum summarizes the potential GDEs that were identified during the GSP preparation process and then confirms that they qualify as groundwater dependent based on different lines of data. Formation then analyzed whether these GDEs could be adversely affected by groundwater withdrawals by the proposed slant wells on the CEMEX Property in the coastal zone. The Memorandum concludes that there is a correlation between groundwater levels and biomass productivity in these areas (which is a key indicator of biological health) and finds that they constitute GDEs.

On July 30, 2020, WRA prepared a report entitled “Biological Resource and Groundwater Dependency Analysis of Marina Vernal Ponds,” which is enclosed as **Exhibit 3** to this letter. WRA performed an assessment of biological resources at six of the seven identified Marina ponds. WRA updated earlier findings regarding the biological resources at the ponds and evaluated water salinity and water table characteristics at each of the six pond complexes. WRA concluded that there are a variety of sensitive biological communities at the ponds and many sensitive species that occur or are expected to be present. In a critical finding, WRA concluded that “all six ponds are reliant upon groundwater and should therefore be considered groundwater-dependent ecosystems.” *Id.* at 31. Moreover, given the vegetation present, “all six ponds could therefore be adversely affected by future activities that cause groundwater drawdown.” *Id.*

In August 2020, two consultants submitted to the Coastal Commission written critiques of Formation Environmental’s April 13, 2020 report regarding the assessment and protection of these GDEs. In a report and a letter dated August 23 and August 22, 2020 respectively, enclosed collectively herewith as **Exhibit 6**, Formation responded to these critiques. In brief, this report and letter collectively find that: (1) Formation followed an appropriate “systematic evaluation” to determine if a potential GDE should be considered groundwater dependent; (2) the Formation analysis properly relied on “the available data to assess, based on the available guidance and best available and accepted science” to make its GDE determinations; (3) a GDE is not disqualified as a GDE if it receives some surface as “most GDEs are dependent on a combination of surface and groundwater;” (4) the extrapolations made by the CalAm report

D. Protection Of Coastal Waters And Marine Resources

1. Coastal Act Section 30233 Mandates Stringent Protections

Coastal Act Section 30233 affords stringent protections to open coastal waters by only allowing “[t]he diking, filling, or dredging of open coastal waters” for specific enumerated uses. Cal. Pub. Res. Code § 30233(a). Further, Section 30233 only permits those activities if (1) “there is no feasible less environmentally damaging alternative,” and (2) “feasible mitigation measures have been provided to minimize adverse environmental effects.” *Id.* The Coastal Act defines “[f]easible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” *Sierra Club v. California Coastal Com.*, 19 Cal. App. 4th 547, 555–56 (1993) (quoting Coastal Act § 30108) (internal quotation marks omitted).

Here, mitigation measures for the Project’s brine effluent discharge would require “fill” activity in Monterey Bay’s coastal waters. Although the Project arguably may fall under one of Section 30233’s enumerated uses (a new coastal-dependent industrial facility),² CalAm’s CDP application fails to meet Section 30233’s two remaining requirements. First, the PWM Expansion provides a “feasible less environmentally damaging alternative” to the Project and its fill activity. Cal. Pub. Res. Code § 30233(a). Second, CalAm’s CDP application’s failure to identify the full extent of the Project’s water quality impacts precludes the Coastal Commission from finding that CalAm’s application provides “feasible mitigation measures . . . to minimize adverse environmental effects.” *Id.*

2. Violations Of These Protections

Brine effluent is a byproduct of the Project’s desalination process. CalAm plans to dispose of this brine effluent through the same outfall that Monterey One Water uses to discharge treated wastewater from its wastewater treatment facility. Staff Report, at 64. The existing outfall extends roughly 11,000 feet offshore in Monterey Bay and ends with a 1,100-foot diffuser with over 100 ports. *Id.*; Final EIR, at 4.13-23–4.13-24. Untreated, the brine effluent has the potential to impact water quality, so CalAm plans to blend it with treated wastewater from MRWPCA’s wastewater treatment facility before discharging the mixture into the ocean. Staff Report, at 64. While the wastewater treatment facility discharges “about 17 mgd in the winter,” that rate drops to “close to zero gallons” during the growing season when growers use the recycled water for irrigation. *Id.* In contrast, the desalination facility’s output would be more consistent, generating about 9 mgd of brine effluent all year. Final EIR, at 5.5-60.

Because of the variation in discharges from the wastewater treatment facility, the Project’s brine effluent would represent anywhere from not quite half to 100% of the total effluent conveyed through the outfall. Staff Report, at 64; Table 4.3-9, Final EIR, at 4.3-71.

² The City believes, for the reasons set forth in Section V(A) herein, that the Project is not a “coastal-dependent” facility.

These discharges threaten to violate the Ocean Plan's requirement "that discharges into ocean waters from seawater desalination facilities not exceed two parts per thousand over natural background salinity levels as measured no further than 100 meters from the discharge points," particularly when the brine effluent is undiluted. Staff Report, at 64; Final EIR at 4.3-68; *see also* State Water Res. Control Bd., California Ocean Plan, Chapters III.M.3 (2019) ("Ocean Plan").

The Ocean Plan outlines discharge concentration standards and monitoring and reporting requirements for desalination facilities. *See* Ocean Plan at Chapters II, III.M.3–III.M.4. To comply with these provisions, the Final EIR sets forth two mitigation measures that require CalAm "to monitor, report and reduce the water quality impact associated with potential exceedances of the Ocean Plan water quality objective to a less-than-significant level." Final EIR, at 4.13-23. These mitigation measures specifically require CalAm to construct additional monitoring infrastructure. They will also likely require CalAm to make structural changes to the diffuser. Both of these involve the placement of structures in coastal waters in violation of Coastal Act Section 30233.

First, the Ocean Plan provides monitoring and reporting requirements for new desalination facilities. *Id.* at 4.3-92 (citing Ocean Plan at Chapter III.M.4). Desalination facilities must also "submit a Monitoring and Reporting Plan to the RWQCB for approval." *Id.* CalAm's monitoring program requires installing "water quality monitoring equipment at a minimum of four locations" in Monterey Bay. *Id.* at 4.3-94. Specifically, CalAm plans to "install several monitoring buoys offshore" before it "starts discharging its effluent." Staff Report, at 65. These buoys "would include a seafloor anchor, a package of sensors, floats, and other equipment." *Id.* at 65. And CalAm would also install a telemetry buoy with additional equipment. *Id.* Accordingly, Mitigation Measure 4.3-4 requires fill activity in Monterey Bay.

Second, the Ocean Plan sets forth general water quality requirements as well as specific salinity requirements for desalination facilities. *See* Ocean Plan at Chapters II, III.M.3. Mitigation Measure 4.3-5 requires CalAm to gather data to determine whether the Project's brine effluent discharges will meet the water quality objectives "for the full range of regulated water quality constituents specified in the Ocean Plan and NPDES water quality requirements." Final EIR, at 4.3-105. If the data shows that the Project's brine effluent discharges will not meet those standards, CalAm must employ "additional design features, engineering solutions, and/or operational measures to reduce the concentration of water quality constituents." *Id.* at 4.3-105–4.3-106. The Final EIR also identifies possible additional design features and operational measures with retrofitting the existing diffuser with inclined jets being both "[t]he most effective strategy," and the "most likely to be implemented." *Id.* at 4.3-106. Retrofitting the existing outfall diffuser requires installing inclined nozzles on the diffuser's check valves and/or replacing the diffuser's end gate opening with a check valve. *Id.* at 4.3-109.

In sum, both Mitigation Measure 4.3-4 and Mitigation Measure 4.3-5 require fill activity in coastal waters. CalAm may argue that fill activity under Mitigation Measure 4.3-5 is only speculative because CalAm must conduct monitoring before determining that additional water

quality mitigation efforts are necessary. However, CalAm's failure to submit complete data regarding the Project's potential water quality impacts prevents the Coastal Commission and other agencies from conclusively determining whether modifications to the existing diffuser will be necessary to comply with water quality standards. Based on these data gaps, the Final EIR "conservatively concluded that Ocean Plan water quality objectives could potentially be exceeded during operations for some operational discharge scenarios, resulting in a significant impact." Final EIR, at 4.13-103.

The Coastal Commission should likewise assume that the Project's brine effluent discharges could exceed water quality standards and that CalAm will have to employ one or more of the designs or operational features identified in Mitigation Measure 4.3-5. Furthermore, the Final EIR found that discharges may result in cyanide and ammonia levels exceeding or coming close to exceeding water quality standards, which would also trigger Mitigation Measure 4.3-5. *Id.* at 4.3-100. Because the Final EIR notes that the most likely mitigation option is retrofitting the diffuser, the Coastal Commission should presume that the Final EIR's mitigation measures will require fill activity in coastal waters by installing monitoring buoys and retrofitting the diffuser.

The Staff Report appropriately concludes: "Any of these Project aspects -- a potential diffuser retrofit, the proposed buoy installation, or the WEKO clamp replacement -- would involve placing fill in coastal waters in the form of new or modified structures." Staff Report, at 66. However, pursuant to Section 30233, such fill is only allowable if it meets the "override" tests that (1) there is no feasible less damaging alternative, (2) feasible mitigation measures have been provided to minimize adverse environmental effects, and (3) the project qualifies as a certain type of facility. The Report concludes: "For the reasons described in those Findings [regarding the Section 30260 override], the Project does not conform to Section 30233 because there is a less feasible and less environmentally damaging alternative project that will not require fill in coastal waters and because not all mitigation has been identified and imposed." *Id.* at 66.

The City of Marina agrees with Staff that: (1) the Project does not conform to Coastal Section 30233 because the PWM Expansion is a feasible and less environmentally damaging alternative Project that will not require fill activity in coastal waters, and (2) that the mitigation test has not been met. Accordingly, the Coastal Commission must deny CalAm's CDP applications based on its failure to meet the 30233 override criteria.

E. Depletion And Contamination of Groundwater Resources

The City of Marina believes that it is critically important to preserve and protect the clean and affordable groundwater that supplies 100% of its drinking water. Since CalAm is proposing to extract groundwater underneath the City of Marina rather than seawater from underneath the ocean, and because the Subbasin within which the slant wells would extract groundwater has been designated as one of only 21 "critically overdrafted" basins in California, the Project's massive groundwater extractions are very controversial. Since state-of-the-art hydrogeologic studies demonstrate that the Project is expected to cause severe adverse impacts on the amount and quality of groundwater in the Basin, it is evident that the Project's impacts on groundwater

will be inconsistent with Marina's LCP and the Coastal Act and that the CDPs therefore should not be approved by the Commission.

Coastal Act Section 30231 states that coastal development must not deplete groundwater supplies. *See* Staff Report, at 68; *see also* Coastal Act § 30200 (protection of marine environment and water quality). These goals are incorporated into Marina's LCP. In addition, State Board Resolution 2015-0033 (¶ 29), which adopts the Desalination Amendments to the California Ocean Plan, warns of the "potentially significant impacts to hydrology and water quality" occurring from desalination plant subsurface intakes, including the potential to cause or exacerbate saltwater intrusion or alter groundwater flow to freshwater aquifers and wells. It concludes that "a proposed facility that with [sic] apparent potential to result in such impacts is unlikely to be approved." Here, the Project threatens groundwater supplies in violation of Section 30231 and is contrary to the Desalination Amendment directives. Therefore, the City agrees with Staff's conclusion that "current evidence does not support a finding that Cal-Am's proposed Project is consistent with the groundwater protection provision of Coastal Act Section 30231."

The 2019 Staff Report concluded that there was not enough evidence to support a finding that the Project is consistent with Section 30231, that the Project would likely result in greater adverse effects on groundwater resources than were previously determined; and that additional groundwater modeling is needed to identify the extent to which the Project may deplete groundwater supplies. 2019 Staff Report Addendum, at 5, 9. Critically, the Coastal Commission determined that the Project "could adversely affect more of these 'nonseawater' supplies than had been previously identified, resulting in an inability to find that the project conforms to the provision of Coastal Act Section 30231 requiring that development prevent the depletion of groundwater supplies." *Id.*, at 7.

In addition to the impacts discussed above, there are additional groundwater impact issues. As the City has previously explained in comment letters, the EIR's analysis of groundwater impacts is deficient. The Project plans to pump 15.5 million gallons of groundwater every day from the "critically overdrafted" 180/400 Foot Aquifer Subbasin. Experts predict that such pumping will have huge adverse impacts, which have not been properly assessed in the EIR, on Basin groundwater. Prior to the EIR's certification, a groundbreaking report by the Stanford University Center for Groundwater Evaluation and Management research team revealed dramatic and important new information regarding actual Basin conditions, including the presence and distribution of higher quality groundwater, gaps in the aquitards (the ground layers between aquifers), the existence of a freshwater/seawater wedge retarding seawater intrusion near the site of Project slant wells, the water volumes of the aquifers, and other current Basin conditions. The report demonstrated that the actual Basin conditions are significantly different than assumed in the simplistic and outdated model used for the Final EIR. It also revealed that Project groundwater impacts would be much more severe and widespread than previously disclosed.

In 2020, Coastal Commission Staff requested further analysis from its consultant Weiss Associates of certain specified groundwater issues. Weiss issued a report entitled “*Independent Evaluation, Modification, and Use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts Associated With The Monterey Peninsula Water Supply Project*” dated July 10, 2020 (“Weiss Report”). Based on the Commission’s direction, Weiss undertook a limited review of the defined groundwater issues (time did not permit the full review that Weiss thought was necessary).

At the City’s request, Formation Environmental prepared a Technical Memorandum dated August 13, 2020 which reviewed the Weiss Report (“Formation Review”). A true and correct copy of the Formation Review is enclosed herewith as **Exhibit 4**. Among other findings, Formation Environmental emphasizes that the Weiss Report indicates that the amount of fresh water captured by the Project’s slant wells will be several times greater than had previously been predicted in the Final EIR for the Project. Formation Review, at 5. This finding “raises concerns about ... potential impacts that were not previously evaluated,” including the following:

- “Potential . . . increased and more rapid depletion of drinking water resources in the DSA [Dune Sand Aquifer] and the 180-Foot Aquifer and the potential for increased seawater intrusion into the nearshore area;”
- Potential conflicts with SGMA “caused by the increased capture and depletion of freshwater resources;”
- “Increased groundwater impacts related to operation of the Project that were not considered or evaluated in the EIR (more freshwater capture and more drawdown at GDEs);” and
- Project changes needed because of the increased replacement water volumes required to be delivered to the Castroville District. *Id.* at 5-6.

Based on the Weiss Report calculations, Formation concluded that the Project would be expected to extract about 1.5 *billion* gallons of *fresh water* each year from this “critically overdrafted” Subbasin, which is a “4-fold to 7-fold increase in the estimated volume of fresh water” compared to what was calculated in the Final EIR. *Id.* at 12. In fact, based on the limitations in the approach Weiss used, Formation believes that the actual amount of extracted fresh water may be even greater. Formation concludes: “The evaluation conducted by Weiss indicates the Project will result in potentially significant impacts to freshwater resources, water rights holders and beneficial groundwater users and uses, and could interfere with sustainable groundwater management.” *Id.* at 12-13.

One very important economic issue arising from the latest Weiss Associates report is the finding that it is possible that as much as 30% of the groundwater extracted by the Project could be usable groundwater. In addition to greatly depleting this usable groundwater, this very high percentage of groundwater would require CalAm, under its Return Water Settlement Agreement, to provide Castroville with much more return water at very low rates, driving up the cost to

CalAm's ratepayers for subsidizing this water. The Staff Report (at page 72) explains this economic concern, which is of particular import to CalAm's low-income ratepayers:

If one or two wet years result in Cal-Am's return water requirements increasing from the expected 700 acre-feet per year to a possible 2,100 acre-feet per year, this would represent a need to subsidize about a third of Cal-Am's total water production of 6,250 acre-feet per year. That subsidy, which could range from about \$3,000 to \$5,000 per acre-foot, would substantially increase the costs for Cal-Am to produce and distribute each unit of water it provides.

These findings in the Weiss Report, as summarized by Formation, corroborate the findings of many other experts, based on new data and analyses in the last few years, that the Project's impacts on these groundwater resources will be much greater and broader in scope than predicted in the Final EIR. The Project will cause very severe groundwater supply depletion in this critically overdrafted Subbasin in contravention of Coastal Act Section 30231 and will make the already very high cost of desalinated water substantially higher. The Project is not consistent with Section 30231 and therefore cannot be approved.

F. Public Access And Recreation

The Coastal Act and the City's LCP have numerous provisions in place to protect public access to the coast and recreation at beaches. *See* Coastal Act §§ 30210, 30211, 30212(a), 30214, 30221; LCP Policies 1, 2, and 3. These policies ensure that the public is able to access the shoreline. The Project, however, would have short and potentially long-term adverse effects that are contrary to these public access and recreation policies. Staff Report, at 81. Therefore, Marina supports the Coastal Commission Staff's recommendation to deny the CDPs.

For example, during construction, there may be temporary traffic closures or detours near the beach to allow for the installation of the slant wells and the Project's source water pipeline. Staff Report, at 80. To install the modified diffuser components for the existing wastewater outfall, boats and divers would be active in the coastal waters and this could impact fishing or other uses. *Id.* Cumulatively, these construction activities will inhibit public access and recreational opportunities and are contrary to the Coastal Act and the City LCP policies.

Furthermore, due to the installation of the required outfall liner and the proposed clamp replacement, there may also be heavy equipment on the beach, placement of barriers and protective work zones around the installation, and other measures that would prevent lateral access along the shoreline for a period during the summer. As discussed in further detail in these comments, the outfall liner was not included in CalAm's CDP application. *See* Section II herein. Therefore, the full extent of its construction impacts and possible need for mitigation measures is not yet known and constitutes an independent reason to deny the CDPs.

During operation, there may also be impacts to public access and recreation because the Project is located on the CEMEX site, which includes an active sand mining operation that does not currently provide vertical access to the shoreline. City Resolution, Finding 2-1. By

December 2020, under the completed agency enforcement actions and approved settlement agreement, the CEMEX facility will stop operating and the site will thereafter be reclaimed and dedicated to conservation and public recreational use(s).

Unfortunately, CalAm has not provided documentation to assure that public access would be preserved and what, if any, lands CalAm intends to take out from public use, based on the permanent and access easements that CalAm claims on the CEMEX site. City Resolution, Finding 2-1. With respect to these easements, their size has inexplicably enlarged over time. A 2014 Memorandum of Option Agreement provided an easement size of approximately 33.5 acres for the permanent easement and approximately 2.4 acres for the access easement. Four years later, in May 2018, CalAm entered into an Easement comprised of a permanent easement of 36 acres and an access easement of 3.5 acres. The Coastal Commission should require that CalAm account for this discrepancy and explain how it is supposedly entitled to a larger and different easement than was noticed of record as of the effective date of the CEMEX Settlement Agreement.

Although Coastal Commission Staff found it difficult to predict how the Project would impact public access and recreation due to the lack of information (Staff Report, at 81), enough is actually known about the Project's impacts on public access and recreation to conclude that it is contrary to the Coastal Act and the LCP's policies. In fact, the easements stretch across the entire dunes to the water's edge, blocking both vertical and lateral access to the shore. Without any enforceable assurances from CalAm that public access will be protected, activities from construction, fencing, maintenance, and operation could occur anywhere within this 40-acre total area.

Such activities would directly conflict with the City's plans for the area once the CEMEX site is dedicated to conservation and public recreational use(s) pursuant to the CEMEX settlement agreement. In fact, the City has worked with a landscape architect to develop a conceptual plan that would include a parking lot, educational center, boardwalk system, beach platform, and picnic area that is wheelchair and otherwise accessible to the public in this area. This area is particularly special because the City has only two flat access points to the water and this area is one of those access points. Therefore, losing access to this area due to the Project's construction and operation activities within the easement area is contrary to the Coastal Act, the City's LCP policies, and the City's plans for this area. The Project is not in conformance with Coastal Act and Marina LCP public access requirements and must be denied on this basis.

IV. Environmental Justice Considerations Mandate Denial Of These Coastal Development Permits.

The Commission Staff's environmental justice concerns form an important part of its recommendation that the Commission deny the CDPs for CalAm's Project. At the outset, Commission Staff recognizes that "[t]he Project also involves the most significant environmental justice concerns the Commission has considered since it adopted an Environmental Justice Policy in 2019." Staff Report, at 2.

The 2019 Environmental Justice Policy was carefully developed by the Commission and addresses both procedural and substantive environmental justice issues. Among other provisions, the policy states:

- **Equity:** “Equity is at the heart of the Coastal Act.”
- **Equitable Access:** “The Commission will use its legal authority to ensure equitable access to clean, healthy, and accessible coastal environments for communities that have been disproportionately overburdened by pollution or with natural resources that have been subjected to permanent damage for the benefit of wealthier communities.”
- **Climate Change:** “Low-income communities are more vulnerable to climate-driven water quality and supply issues that can result from seawater intrusion, contamination from extreme storm events, and drought. The Commission will take this reality into consideration when analyzing the effectiveness and the impacts of sea level rise adaptation and mitigation measures as well as implementation of those measures.”
- **Avoid Disproportionate Effects:** The Commission’s intent “will be to ensure that low-income communities and communities of color, and other disadvantaged communities are not disproportionately affected by water contamination or overuse, or diminished environmental services such as those provided by healthy ecosystems, fully-functioning wetlands, and clean waters and lands in the coastal zone.”

These and other portions of the Environmental Justice Policy are directly implicated by the extensive coastal and other impacts that would be caused by the Project. The City commends Commission Staff for their thorough investigation of environmental justice issues, particularly for the Marina, Seaside and Castroville communities of concern. The City also appreciates the Commission’s decision which allowed remote testimony from Marina City Hall for the November 14, 2019 hearing as a procedural recognition of the time and travel difficulties for members of these communities.

The Staff Report undertakes a robust analysis of environmental justice issues posed by the Project. Staff Report, at 86-101. The Report carefully identifies the pertinent communities of concern, assesses the socioeconomic and demographic characteristics of these affected communities, and then addresses their substantive environmental justice concerns. The Staff Report divides the communities of concern into two categories, which we will address in turn.

The first category of affected communities of concern are those that are within CalAm’s Monterey District service area, which includes Seaside and Sand City. The Report notes that this service area “currently pay among the highest water rates in the country” and that, based on a MPWMD report, if the Project is implemented and other expected rate increases are imposed, an average residential ratepayer’s water bill could nearly double by 2023. *Id.* at 93. The Report

concludes: “The Commission believes that the project will exacerbate the disproportionate burdens on low-income ratepayers as a result of rising rates from the construction and operation of the proposed Project.” *Id.* at 95.

Some of the underserved Seaside residents interviewed by the Commission stated that they were concerned that the economic hardship caused by the rate increases “would eventually push them out of this currently affordable coastal community.” *Id.* at 95. The Commission appropriately recognized that “[a]lthough coastal access is typically viewed through the lens of providing and protecting recreational infrastructure and other amenities for the public to visit and enjoy, viewing it through the environmental justice lens illustrates that an affordable cost of living is a fundamental part of coastal access for nearby residents.” *Id.*

The second community of concern is the disadvantaged residents of the City of Marina, where most of the Project’s impacts would occur. According to the Staff Report, 66% of the population of Marina are persons of color, and 33% of the City’s population has income below the 200% federal poverty level threshold. *Id.* at 88-89. Further, as the Staff Report observes, “The city [Marina] has a disproportionate amount of nearby industrial development including a regional landfill, regional composting facility and regional sewage plant, all of which serve areas outside Marina. Nearby Fort Ord is a contaminated site listed on the U.S. EPA’s national priorities list.” *Id.* at 89. Moreover, “Marina also has a thriving culture of committed public engagement, and many residents care deeply about the future of their town.” *Id.* at 90.

The Staff Report also takes a close look at the relative environmental justice Project benefits to the disadvantaged community of Castroville, which under the Return Water Settlement Agreement would receive an amount of “return water.” Although the Staff found that Castroville would receive the benefit of affordable water, these benefits were more than offset by the Project detriments to other similarly disadvantaged communities. The Staff Report explained this finding as follows:

Castroville residents would therefore be afforded a discounted rate on the desalinated water. But other Cal-Am ratepayers, many of whom are similarly disadvantaged, would absorb that cost. Those higher rates would disproportionately burden low-income ratepayers in Cal-Am’s service area, including Seaside. The discount to Castroville would also not offset impacts to the underserved communities of Marina, Seaside, and others throughout the service area. Although Castroville has 3,742 individuals with income below 200 percent of the federal poverty level, the number of individuals with income below the same poverty guideline in Marina and the CalAm service area is 27,525, or approximately 7 times greater (see Table 2). Similarly, while Castroville has a larger proportion of people of color living in its jurisdiction, a greater number of people of color live throughout the service area and Marina combined (see Table 1). In other words, the benefits of this project going to one community of concern would come at the expense of the other underserved communities.

Staff Report, at 97-98.

Based on this extensive analysis, the Staff Report appropriately reached the following conclusions relating to environmental justice:

For the reasons described above, the Commission finds that although the proposed Project would benefit one underserved community, Castroville, it will disproportionately burden a greater number of residents within communities of concern in Seaside and elsewhere within Cal-Am's service area by increasing potable water costs significantly more than the identified alternative water supply project. *The proposed Project also results in adverse coastal resource effects within the community of Marina that is already disproportionately burdened by many other industrial uses and would receive none of the project benefits. There is a long history of government institutions allowing unwanted industrial development to be concentrated in underserved communities of color without their consent. Approving yet another would perpetuate this discriminatory land use practice in Marina.*

As addressed in Section II.O [of] this report, the Commission finds that the Pure Water Expansion Project is a feasible alternative to the proposed Project with fewer environmental justice impacts than Cal-Am's Project. It would provide adequate current and future water supplies to meet the area's water needs in a more affordable manner and would also eliminate adverse coastal impacts and reduce environmental justice concerns consistent with the Commission's Environmental Justice Policy and Coastal Act Sections 30604(h) and 30107.3.

Staff Report, at 101.

As a result of these and many other adverse project impacts on these communities of concern discussed herein, the City agrees with the Coastal Commission Staff recommendation that the "appealed" and "consolidated" coastal development permits sought by CalAm should be denied.

V. The Project Fails To Qualify For An "Override" Under Coastal Act Section 30260.

Coastal Act Section 30260 authorizes a local coastal agency or the Coastal Commission to authorize certain types of industrial facilities that are inconsistent with Coastal Act policies if they can meet four stringent criteria. Specifically, Section 30260 provides that "new or expanded coastal-dependent industrial facilities" can be permitted if the following tests are met:

(1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Thus, to qualify for a Section 30260 approval, which essentially overrides inconsistencies with LCP and Coastal Act policies, a project must satisfy each of four tests:

- That the Project qualifies as a “coastal-dependent industrial facility;”
- That alternative locations are infeasible or more environmentally damaging;
- That failure to authorize the Project at the CEMEX site “would adversely affect the public welfare;” and
- That adverse environmental effects are “mitigated to the maximum extent feasible.”

The Marina Planning Commission, in its March 7, 2019 decision denying the CDP for the Project, found that the Project fails to meet any of these four tests. The 2019 Coastal Commission Staff Report agreed that the Project does not qualify for a permit under the Section 30260 “override” provisions. The Staff Report disagreed with Marina and found that the Project qualifies as a “coastal-dependent industrial facility,” but agreed with Marina that the Project does not meet any of the three alternatives, public welfare, or maximum mitigation tests. 2019 Staff Report, at 101-105. We will examine each issue below.

A. Not A Coastal-Dependent Industrial Facility

The City agrees that the Project as a whole qualifies as an “industrial facility,” but as the Planning Commission Resolution reflects, the City believes that it is not a “coastal-dependent” facility. The Coastal Act and the City’s LCP do not define the term “coastal-dependent industrial facility.” The only helpful legal guidance on point is provided in Coastal Act Section 30101, which defines the broader term of “coastal-dependent development or use” as “any development or use which *requires* a site on, or adjacent to, the sea to be able to function at all.” (Emphasis added.)

The Planning Commission explained its reasoning as follows:

The proposed Project does not qualify as a “coastal dependent industrial facility.” Although it was originally envisioned as a facility that would draw seawater from beneath the ocean floor, the location of the proposed slant wells was moved landward during the time that the application was pending at the CPUC. At the present time, the slant wells are proposed to be drilled into two groundwater aquifers within the Salinas Valley Groundwater Basin (the Dune Sand Aquifer and the 180-foot Aquifer) that are located beneath Marina land and it appears that no or only a tiny fractions of the screened portions of the wells are seaward of the mean high water mark. Rather than being dependent on the extraction of seawater from beneath the ocean floor, these wells are designed to extract brackish groundwater contained within this groundwater basin that would be desalinated for drinking water purposes.

As the Planning Commission further explained, the Project does not have an open ocean intake which requires it to be located right on the ocean, its slant wells do not extend under the

ocean, and the seawater intrusion maps developed by the County reflect that brackish water extends inland as much as five miles from the coastline. In these circumstances, where the Project is only planning to process brackish groundwater, it is not a facility “which requires a site on, or adjacent to, the sea to be able to function at all.” Rather, as the Planning Commission found, “[g]iven all of these undisputed facts, this Project could function in any of the many locations within the Basin in which saline intrusion has occurred.” *Id.*, Finding 5-3.

The Staff Report analysis on this point is unpersuasive. The Report states that the proposed well field is located to “extract primarily seawater from beneath the seafloor and the shoreline of Monterey Bay” and that the source water pipeline must be here to transport the water from these slant wells. Staff Report, at 149. To the contrary, as Planning Commission Finding 5-1 explains, the undisputed facts reflect that the slant wells do not go beneath the seafloor and they do not need “seawater” to operate. Rather, they are designed to process brackish water and in fact will be significantly cheaper to operate if the salt content is lower. The source water wells could be located away from the coastline within the dozens of square miles of saline groundwater within the seawater intrusion zone, thereby avoiding all coastal impacts. Since the wells would be in another location, the source water pipeline would not be needed within the coastal zone either.

For all of these reasons, the Project is not eligible for a Section 30260 override because it does not qualify as a “coastal-dependent industrial facility.”

B. A Feasible And Less Environmentally Damaging Alternative Is Available

A Section 30260 “override” can only be granted if “alternative locations are infeasible or more environmentally damaging.” Similarly, Coastal Act Section 30233 (which authorizes an “override” when fill is occurring in ocean waters if three criteria are met) provides that it is only allowed “where there is no feasible less environmentally damaging alternative.”

The Staff Report includes a very detailed analysis of the feasible and viable alternative of the expansion of the Pure Water Monterey Project (“PWM Expansion”). As the Staff Report recognizes, the Commission “now has an independent obligation to consider alternatives to the project based on current information.” Staff Report, at 107. To do so, the Report takes a close look at the original PWM project and the proposed PWM Expansion and undertakes a comprehensive comparison of the proposed Project and the PWM Expansion in the areas of feasibility, water supply and demand, project objectives, adverse environmental impacts, and areas of uncertainty. *Id.* at 109-46.

The Staff Report concludes that both the PWM Expansion and CalAm Project are feasible, with the PWM Expansion having clear and significant advantages in ratepayer costs (only one-third the price for water), almost no environmental impacts, and no environmental justice impacts. *Id.* at 109-15. In terms of water supply and demand, the Report determines that “[a]lthough Cal-Am’s desalination facility would provide more water than would the Pure Water Expansion, *either project, when combined with Cal-Am’s other available water sources, would provide more than adequate water supplies for the current and expected future demands and*

would allow the water system to conform to the state's design and capacity requirements." *Id.* at 115 (emphasis added). The Report also essentially concludes that both projects would meet the EIR Project objectives and criteria. *Id.* at 133-40.

The Report concludes that the PWM Expansion has far fewer adverse environmental impacts than CalAm's Project. It states: "the Cal-Am Project would have significant adverse effects on several coastal resources, including environmentally sensitive habitat areas and endangered or threatened species.... Its effects on marine life and ocean water quality have not yet been determined. The Pure Water Expansion would have few, if any, adverse effects on coastal resources, as it would be located entirely outside of the coastal zone and would be constructed largely on an existing industrial site. It would also be greenhouse gas neutral, as it would use electricity generated from landfill gasses." *Id.* at 140. Both projects were found to have various uncertainties. *Id.* at 141-45.

The Staff Report concludes, based on this extensive 40-page analysis, as follows:

Staff believes, after weighing the evidence in the record at this time, that the Pure Water Expansion is a feasible alternative to Cal-Am's Project, will allow Cal-Am to cease its illegal water withdrawals from the Carmel River and meet the region's water needs, and is the preferable, least environmentally damaging alternative. The Pure Water Expansion would also result in fewer environmental and economic burdens to the communities of concern within Cal-Am's service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented. ... *Staff recommends finding that the Project is inconsistent with relevant Coastal Act and LCP policies and that the Commission may not approve the project despite those inconsistencies because the PWM Expansion is a feasible, less damaging alternative that will adequately provide water and protect the public welfare.*

Staff Report, at 3-4 (emphasis added).

The City agrees completely with these findings, which are supported by myriad documents in the Commission record developed over the last 18 months. The City wants to emphasize that the PWM Expansion also is correctly sized for the anticipated demand of CalAm's Monterey District for at least the next 24 years and likely many years beyond that. In September 2019, the General Manager of the Monterey Peninsula Water Management District issued a new report analyzing the latest water supply and water demand figures for this service area. The Report found that the PWM Expansion, combined with the other assured water supply sources other than the CalAm desalination project, would meet all anticipated future water demand until at least 2043 and under almost all scenarios for decades thereafter. This significant new information, prepared by the agency with the expertise to make this determination, demonstrates that this is a feasible alternative with significantly fewer environmental impacts than CalAm's Project.

The City of Marina asked a well-known water demand and supply expert, Dr. Lon House of Energy and Water Consulting, to provide a peer review of a water demand/supply report prepared by the Monterey Peninsula Water Management District ("MPWMD") in September 2019 and then updated in December 2019 and March 6, 2020, and to respond to a report prepared by a CalAm consultant that criticized the MPWMD report. Dr. House's Report dated April 2020 is enclosed herewith as **Exhibit 5**.

At the outset, Dr. House observed that MPWMD is the agency charged by the California Legislature with making these water supply/demand determinations. Its enabling legislation requires it to file annual reports on present and future water demand and supply in this district. Water Code Appendix § 118-350(b). He then examined the MPWMD demand and supply projections and found them to be reasonable and accurate and consistent with his own calculations. He concluded that "the expansion of the Pure Water Monterey project will meet area water demands through 2050 and at lower water rate impacts than the MPWSP." *Id.* at 13.

Dr. House also addressed a key issue that is often lost in water supply/demand debates: the interrelationship of water price and water demand. *Id.* at 10-12. He first observes: "MPWSP desal water is very expensive, running 22 times as much as the most expensive current supply (Carmel River) and 3 times as much as PWM Expansion water." He then notes that the MPWSP is composed primarily of fixed costs, estimated at over \$30 million per year, that will need to be recovered no matter how much water it produces. If, as expected, the desalination plant is running far below capacity, the price of the water will become increasingly expensive due to the fixed costs, such that if only 1,500 afy of water is produced in a year, CalAm ratepayers will need to pay the equivalent of over \$21,000 per acre foot, which is more than three times the already very expensive cost of about \$6,000 per acre foot if full capacity is reached. These astronomical costs will hit low income customers particularly hard.

Dr. House concluded as follows: "The MPWSP is simply too expensive water. Adding a capital project that costs an additional \$30M annually regardless of whether it operates or not and costs about \$1,255 per af when it does operate presents an unacceptable burden on the area, particularly when there are less expensive options available that will meet area water demands." *Id.* at 13.

C. Public Welfare Balance Compels Denial

The Staff Report undertakes a robust and balanced evaluation of the public welfare implications of the Project. The Report acknowledges CalAm's need for a new water supply and explained the requirements of the Cease and Desist Order first issued by the State Water Resources Control Board in 1995.

However, the Report also carefully examines key countervailing public welfare concerns, including the end of CEMEX sand mining, the availability of the feasible PWM Expansion, the significant environmental justice issues summarized in great detail by the Report, and the avoidance of groundwater resource impacts. *Id.* at 151-152. For all of these reasons, the Report, concludes that "denying the proposed project would not adversely affect the public welfare."

On the contrary, denying the project “is likely to lead to implementation of a project alternative that would benefit the public welfare.” The project therefore does not meet the second test of Section 30260. Staff Report, at 152-53

We will briefly address and provide a little more context in each of these areas. At the outset, it is important to note that the “public welfare” determination is fairly unique to Coastal Act determinations. The Final EIR for the Project and the CPUC permit decision did not make any determination regarding whether and how the Project would affect the “public welfare.” Rather, it is up to the local coastal agency and the Coastal Commission to make this determination in the coastal development permit context.

The Marina Planning Commission, in its denial decision, made the following analysis of the individual components of the public welfare impacts of the Project on the City:

(1) the City will bear the primary burden of the construction and operation of the Project, but will not receive any desalinated water that the Project produces; (2) the Project threatens the integrity of the groundwater basin on which the City is 100% dependent upon for its drinking water; (3) the Project would permanently destroy important ecosystem ESHA on which many species depend; (4) the Project threatens to completely undermine the decades-long efforts by the City to end the destructive sand mining operations on the CEMEX site in favor of conservation and recreation, and would be replaced by yet another environmentally impactful use; (5) the Project would greatly impair the business environment and social fabric of the Marina community; and (6) the Project would have other impacts on public access and coastal resources discussed above.

The Settlement Agreement that will end the CEMEX sand mining by December 2020 is a very important factor in both the Staff Report denial recommendation and Marina Planning Commission CDP denial for the Project. Marina was involved for decades in efforts to end the sand mining activities on the CEMEX site, which was an environmentally destructive use of these resources. In 2017, after combined enforcement actions by the Coastal Commission, the City and the State Lands Commission, a comprehensive settlement agreement was entered into with RMC Pacific Minerals, doing business as CEMEX, to end this use.

The environmental justice impacts of the Project, addressed in great detail in the Staff Report (pages 68-76), also provide a compelling reason for finding that denying the requested permits would not adversely affect the public welfare, but in fact would promote it. The Marina Planning Commission made the following public welfare findings in this context:

The Planning Commission finds that adverse environmental justice impacts on Marina would also be significant. The City is a unique community, with a working-class ethnic population, many of whom do not read or speak English. It is a “disadvantaged community” under federal and state definitions, with a census track that is one of the most burdened in the State. The Planning Commission

also finds that the Project would impose an unfair and disproportionate burden on Marina.

Due to its illegal extraction/diversion of water from both the Seaside Basin and Carmel River, CalAm has been ordered to reduce (Seaside Basin) or eliminate (Carmel River) its water use from these sources. However, it is important not to substitute the adverse impacts of this historic unlawful activity with a Project that causes a new set of environmental depredations on another community (Marina). The Monterey area needs a regional water solution that does not impose major social, cultural, economic and environmental impacts on certain communities for the benefit of others, and this is an overriding imperative for the entire region.

For all of these reasons, the City continues to fully support the determination in the Staff Report that the Project does not meet the “public welfare” prong of the Section 30260 “override” test, therefore compelling denial of an override for these requested CDPs.

D. No Mitigation To The Maximum Extent Feasible

The third of the stringent Section 30260 “override” tests is that the adverse environmental effects of the Project must be “mitigated to the maximum extent feasible.” Under the City’s LCP, these impacts must be “fully mitigated.” Although the Staff Report states that there is no need to reach this third test because the first two Section 30260 tests are not met, the Staff Report concludes that “the Commission finds that the project does not meet the third test of Section 30260.” Staff Report, at 153.

The Staff Report bases this determination on (1) the Project’s ESHA impacts (“the Project’s adverse effects on ESHA could be fairly extensive – up to about 35 acres of terrestrial ESHA – yet Cal-Am’s currently proposed mitigation strategy would result in a net loss of ESHA”); (2) the Project’s inconsistencies with the City LCP’s coastal hazards provisions; (3) the outfall liner impacts which have not yet been fully evaluated; and (4) the Project’s impacts and necessary mitigation measures on groundwater resources.

As explained above, in June 2020, CalAm submitted an HMMP to Coastal Commission Staff which it believes is appropriate to mitigate the Project impacts to the coastal ecosystems. However, as the City’s coastal consultant, Dr. Mike Josselyn, determined in his expert report enclosed as **Exhibit 1** herein, this HMMP is woefully deficient in multiple respects and fails to meet the “maximum mitigation” standard required for a Coastal Act Section 30260 override determination. Accordingly, this key override test is not met.

In sum, the City strongly agrees with the findings in the Staff Report which demonstrate that the Project’s adverse impacts have not been mitigated to the “maximum mitigation” and “fully mitigated” standards required by Section 30260.

VI. New Information of Substantial Importance Exists.

The Coastal Commission is a responsible agency pursuant to CEQA. CEQA Guidelines § 15096. Therefore, it must analyze the previously prepared EIR, which was prepared by the CPUC and MBNMS, and reach its own conclusions on the EIR's adequacy and whether it should approve the project. *Id.* at § 15096(a). Additionally, if the Coastal Commission were to approve the Project then it is required to consider alternatives and mitigation measures that would mitigate or avoid the direct or indirect effects of the Project. CEQA Guidelines § 15096(g)(1). Indeed, the Coastal Commission is *prohibited* from approving a project if it “finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.” CEQA Guidelines §15096(g)(2); *see also RiverWatch v. Olivenhain Municipal Water Dist.*, 170 Cal. App. 4th 1186, 1207 (2009) (“if a responsible agency approves all or part of a project without first considering an EIR that has been or is being prepared by the lead agency and without making required findings, the responsible agency has not complied with CEQA and its approval must be set aside”). But the Coastal Commission is also within its power to deny the Project “in order to avoid direct or indirect environmental effects of that part of the project which the Responsible Agency would be called on to carry out or approve.” CEQA Guidelines §15042.

Here, Coastal Commission Staff recommends that the Commission *disapprove* the CDPs and the City of Marina supports this conclusion. If the Commission denies the Project, then the Coastal Commission will not be called upon to consider new information that has come to light since the Final EIR was certified. With a denial, the Coastal Commission also will not be required to consider alternatives or mitigation measures within its powers which are feasible and would substantially lessen or avoid any significant effect of the Project, adopt findings for those impacts within the scope of its jurisdiction, or adopt a reporting or monitoring program and/or a statement of overriding consideration. CEQA Guidelines §§ 15043, 15093, 15096; Pub. Res. Code § 21081.6.

However, if the Coastal Commission *rejects* staff's recommendation and decides to *approve* the Project (which it should not), it is required to conduct subsequent or supplemental environmental review before it approves the CDPs. This is because new information of substantial importance exists. In particular, the CEQA Guidelines explain that a subsequent or supplemental EIR must be prepared if, based on substantial evidence in light of the whole record, one or more of the following events occur:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines § 15162.

Here, substantial evidence shows that the Project may have one or more significant effects not discussed in the CPUC's Final EIR and that a feasible alternative exists that would substantially reduce one or more significant effects on the environment; therefore, at least two of the triggering conditions in Section 15162 have occurred. CEQA Guidelines § 15162 ("no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following [triggering actions has occurred]"); § 15164 ("The [agency's] explanation [to not prepare a subsequent EIR pursuant to Section 15162] must be supported by substantial evidence."). In such situations, case law makes clear that the requirement to perform subsequent or supplemental review is mandatory: "[i]f qualified new information thereafter develops, a supplemental or subsequent EIR must be prepared in connection with the next discretionary approval, if any." *Fort Mojave Indian Tribe v. Department of Health Services*, 38 Cal. App. 4th 1574 (1995).

To be specific, there is new information of substantial importance regarding (1) the feasibility of the PWM Expansion project, (2) impacts to the groundwater basin, and (3) Project impacts to Marina's vernal pools and coastal wetlands. CEQA Guidelines §§ 15162, 15163. First, new information demonstrates that the PWM Expansion is a feasible alternative to CalAm's Project. A recent analysis by the Monterey Peninsula Water Management District reflects that the PWM Expansion is not only feasible but also the superior project. It would provide sufficient water for this service area for the next two decades, it would produce water at one-third of the cost of expensive desalinated water, it would have virtually no environmental impacts, and it can be on-line before CalAm's Project. In light of this new information of

substantial importance, the Coastal Commission should find that the PWM Expansion project would need to be evaluated in a subsequent or supplemental EIR.

Second, significant new information has emerged about the Project's impacts to Basin groundwater. Indeed, the Coastal Commission's independent review of groundwater impacts found that the Project would likely result in greater adverse effects on groundwater resources than were previously determined. 2019 Staff Report Addendum, at 5, 9. This constitutes significant new information that must be analyzed in a subsequent or supplemental EIR.

Third, as described in detail in Section III(C) herein, the Project is expected to have extensive impacts on Marina's nearby protected vernal ponds and wetlands.

Also, there is new information about the landward groundwater gradients that will dominate regional groundwater flow throughout the life of the Project. To be clear, recent data apparently shows that the hydraulic gradient has switched from landward to seaward and, with this switch, significant groundwater impacts likely would result. However, the CPUC disregarded this significant new information about the landward groundwater gradient and the resulting impacts. Here, to the contrary, the Coastal Commission should conclude that subsequent or supplemental review is necessary to analyze the new information relating to groundwater impacts. CEQA Guidelines § 15162.

In short, the Coastal Commission should find that there is significant new information that has developed since the CPUC certified the Final EIR. As a result, if the Coastal Commission decides to approve the CDPs (and it should not), then it must prepare a subsequent or supplemental EIR to evaluate the PWM Expansion project as a feasible alternative, the Project's impacts to groundwater, and the Project's impacts on these coastal wetlands. Further, subsequent or supplemental review must occur before any approval. Failing to do so will amount to an abuse of discretion for failure to proceed in a manner required by CEQA. Pub. Res. Code Sections 21168, 21168.5.

VII. The Project Would Interfere With The Coastal Commission's Affirmative Public Trust Duty To Protect The Coast.

The public trust doctrine creates an affirmative and ongoing fiduciary duty in all California public agencies, including the Coastal Commission, to protect and preserve public trust resources for the benefit of all Californians and future generations. *National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 446 (1983) ("The state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible."); *see also Marks v. Whitney*, 6 Cal. 3d 251 (1971) (public trust protects environmental and recreational values).

The doctrine is well suited to accommodate changing public needs. It has evolved to include "not just navigation, commerce, and fishing, but also the public right to hunt, bathe or swim." *San Francisco Baykeeper, Inc. v. State Lands Commission*, 242 Cal. App. 4th 202, 233 (2015) (internal quotation and citations omitted). As the Court in *San Francisco Baykeeper*

consisting of wetlands and vernal ponds -- connected to and supported by the Dune Sand Aquifer could be impacted by the Project's operations. As discussed in the Draft GSP, Chapter 3.2.6.1.2, nearby potential GDEs include "riverine wetlands and riparian habitat along the banks of the Salinas River, and palustrine and emergent wetland areas that are seasonally flooded in depressions south in the City of Marina. Furthermore, despite the GDEs sometimes seasonal nature, they are considered coastal wetlands and they provide habitat and cover for migratory waterfowl and a number of animals, including the endangered black legless lizard." *Id.*

The hydrological conditions in the Dune Sand Aquifer, and possibly the 180-Foot Aquifer, are akin to those in the *Environmental Law Foundation* case. Thus, the court's holding (that the public trust doctrine applied to the groundwater that was hydrologically connected to surface water) is directly applicable here. As such, the Coastal Commission is under a duty to protect the resources sustained by the interconnected groundwater that the Project will likely adversely impact. *San Francisco Baykeeper, Inc.*, 242 Cal. App. 4th at 233; *see also National Audubon Society*, 33 Cal. 3d at 446. The public trust would be best served by denying the CDPs.

VIII. The Project Is Fatally Flawed Because It Lacks Any Current Water Rights And Has No Reasonable Or Accepted Path Forward To Obtain Such Rights.

It is undisputed that the Project lacks any current water rights to extract groundwater from the Basin. CalAm has no overlying water rights, no existing appropriative rights, and no existing prescriptive groundwater rights for the Project in the Basin. Indeed, it has no accepted future path forward to obtain any *overlying* water rights because it will not be using the water on land it owns within the Basin. It also is barred from establishing future *appropriative* water rights in "surplus water" because it is undisputed that this basin is "critically overdrafted." Finally, since the Sustainable Groundwater Management Act ("SGMA") bars appropriators from obtaining *prescriptive* water rights in high priority basins after January 1, 2015, CalAm missed the deadline for establishing future prescriptive rights in the Basin.

CalAm also does not have any recognized permit path forward to obtain such water rights. Instead, CalAm apparently plans to assert at a later time that it is creating "salvaged water" or "developed water," which is "surplus" to the water currently in the Basin and which, therefore, supposedly will be available. That claim is based on CalAm's unsupported belief that any groundwater in which the Total Dissolved Solids ("TDS") exceed 500 milligrams per liter ("mg/l") is "waste" because it supposedly is not available for "beneficial uses" by Basin users. CalAm cannot identify even one case in which water rights have been established on a salvaged/developed water theory involving brackish groundwater.

There are also many other fatal flaws in CalAm's assertion. First, this analysis ignores the State Water Resources Control Board's Resolution No. 88-63, which states that *all* groundwater in the State (regardless of its TDS concentration) is presumptively considered suitable or potentially suitable for the drinking water beneficial use and it establishes a 3,000 mg/l threshold of TDS for determining suitability. The groundwater that CalAm hopes to extract is thus suitable or potentially suitable for this beneficial use and cannot constitute "waste." Moreover, the State Board does not classify brackish groundwater as "waste." Rather, "waste" is

defined as “sewage and any and all other waste substances [...], associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for the purposes of, disposal.” Cal. Water Code § 13050(d). Brackish groundwater is not “waste.”

Even if CalAm could articulate a recognizable legal theory to obtain a water right (which it cannot), its attempt to establish the right will be barred because it cannot meet its burden to prove that the Project “will not harm or cause injury to any other legal user” of the groundwater. This “no injury” rule has been a bedrock principle of California surface water and groundwater law since the 1800s. A landmark California Supreme Court case applied the “no injury” rule to exports from groundwater basins. *Allen v. Cal. Water and Tel. Co.*, 29 Cal. 2d 466 (1946). In short, CalAm’s future ability to establish a future water supply is completely speculative and almost certain not to be established because of the lack of current water rights, the overdrafted state of the Basin, the lack of any recognized basis for the supposed future right, the dramatic impact of SGMA, and the multitude of state water rights legal requirements that will prevent establishment.

Finally, the groundwater withdrawal and export restrictions that apply to the CEMEX property where the slant wells would be drilled bar the Project’s proposed groundwater extractions and export. In 1996, the owner of the CEMEX property entered into an Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands that limits future groundwater extractions from the CEMEX property to 500 afy and bans any export of the groundwater to users outside the Basin. These restrictions are binding on all successors and assigns. The Project’s proposed extractions of 17,300 afy and its export of almost all of the produced water clearly violate these restrictions. The City of Marina has filed litigation addressing this issue in Monterey County Superior Court, and this litigation is currently pending.

IX. Conclusion

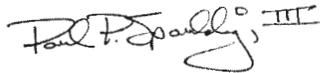
For all of the reasons set forth above, the City of Marina fully supports the recommendation of Coastal Commission Staff, in its August 25, 2020 Staff Report, that the Commission deny the appealed and consolidated coastal development permits sought by CalAm for the Project. Although a considerable amount of new information has been developed by or submitted to Commission Staff over the ten months since the November 2019 hearing in this matter, this information fully supports and does not change the key underlying Coastal Act and Marina LCP considerations that led to the original Staff denial recommendation.

The Project continues to be fatally inconsistent with Coastal Act and City of Marina LCP policies regarding ESHA protection, coastal hazards, wetland protections, groundwater depletion, public access and marine resource protection. It violates many of the basic principles

Chair Stephen Padilla and Honorable Commissioners
September 11, 2020
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of the Coastal Commission's new Environmental Justice Policy. It fails to meet any of the stringent tests to receive an override under Coastal Act Sections 30260 and 30233. In sum, the Coastal Commission must deny these Coastal Development Permits.

Very truly yours,



Paul P. "Skip" Spaulding, III

PPS:vak
Enclosures

Exhibits

1. WRA HMMP Report 7/29/20
2. Formation Environmental Technical Memo (GDEs) 4/13/20
3. WRA Biological Resource Report 7/30/20
4. Formation Environmental Report (Groundwater Impacts) 8/13/20
5. Dr. Lon House Report Water Demand and Supply Report April 2020
6. Formation Environmental Report and Letter (GDEs) 8/23/20 and 8/22/20

cc: Layne P. Long, City Manager
Members of the Marina City Council
Robert Wellington, Marina City Attorney
Deborah Mall, Assistant Marina City Attorney
Robert Rathie, Assistant Marina City Attorney
Tom Luster, Coastal Commission

8762060

MARINA EXHIBIT 1



**ANALYSIS OF CAL-AM HABITAT MITIGATION AND MONITORING PLAN
Monterey Peninsula Water Supply Project
Appeal to Coastal Commission on City of Marina LCP Denial
A-3-MRA-19-0034**

**Prepared for
City of Marina
211 Hillcrest Avenue
Marina, CA 93933**

July 29, 2020

Purpose

The purpose of this report is to provide the City of Marina (City) with a technical review of the Habitat Mitigation and Monitoring Plan as submitted to the Coastal Commission in June 2020 for the Monterey Peninsula Water Supply Project (MPWSP or Project).

Background

The MPWSP is a desalination project proposed by Cal-Am that involves the installation of slant wells and ancillary infrastructure within Primary and Secondary Habitat constituting Environmentally Sensitive Habitat Areas (ESHA) within the jurisdiction of the City of Marina's LCP. The City of Marina Planning Commission denied a Coastal Development Permit (CDP) for the Cal Am Project, finding that the Project was inconsistent with the applicable coastal land use plans and Coastal Act requirements. The City's denial was based on a number of findings, including the lack of sufficient mitigation to meet the City's policy that industrial projects within Primary and Secondary Habitat, if allowed, be "fully mitigated". Cal-Am subsequently appealed the City's decision to the California Coastal Commission. The CCC staff prepared a report (Staff Report) on October 28, 2019 that recommended denial of the CDPs for the proposed Project facilities within the coastal zone. A public hearing was held by the CCC on November 14, 2019, but no action was taken by the Commission.

The proposed Project, as described in the Staff Report, has significant impacts to Environmentally Sensitive Habitat Areas, is inconsistent with the Coastal Hazards provision of the City of Marina's LCP, and there is an alternative to the proposed project that is feasible and less damaging. The Staff Report found that the Project did not qualify for approval under Section 30260 of the Coastal Act under the two of three tests because there is a feasible and less damaging alternative to the Project using the Pure Water Monterey Expansion water supply project and because denial of the Project would not harm public welfare and in fact, would result in excessive burdens to City of

Marina citizens and some ratepayer communities, many of whom are communities of color and low income.

The Staff Report determined that the third test, where the proposed project's impacts were mitigated to the maximum extent feasible, was not met; however, the staff deferred any detailed review on this requirement Section 30260 because the project failed the first two tests. The City of Marina denied Cal-Am's application due, in part, to the refusal of the applicant to provide a Habitat Mitigation and Monitoring Plan (HMMP) and a Long Term Management Plan (LTMP). The Commission Staff Report found that the City was within its authority to require such documentation and that mitigation required under the Coastal Act can be significantly more than under CEQA. The Coastal Commission cannot make a determination under (1) Section 30260, or (2) for the appeal of the City CDP decision under the "fully mitigated" standard specified in the City's Local Coastal Program (LCP), without an HMMP that contains the information that the Coastal Commission's incomplete notice requested from Cal Am.

The Staff Report found that the "mitigation strategy" document as submitted by Cal-Am with its application was not consistent "with Commission guidance and past approvals" as to what is required to provide adequate mitigation. The Staff Report found a number of inconsistencies, including reliance on an "in-lieu fee approach"; the strategy only dealt with impacts at the CEMEX site; the areas proposed for mitigation are currently undisturbed and functioning dune habitat; the proposal would result in a net loss of habitat acreage; and permanent and temporary impacts could total up to 35 acres.

Significance of Flandrian Dune Habitat and Need for Robust Mitigation Plan

The Project is proposed within a unique and very significant coastal dune habitat known as Flandrian dunes. The Coastal Commission considers this habitat as ESHA and the City categorizes it as Primary Habitat with equivalent protections to ESHA. Flandrian dunes are a unique habitat bordering Monterey Bay. This habitat has developed on large sand dunes that shift over time by wind and wave action. It once covered extensive areas of the coastline in Monterey Bay south of the Salinas River. Sand mining, development, and recreational use have severely impacted these coastal dunes. In addition, the encroachment of non-native (exotic) species planted for erosion control, such as iceplant and Holland dune grass, have severely affected its diversity.

The presence of over 30 special status species, including seven plants and four animal species listed as threatened or endangered, at this location within the Flandrian dune habitat and their complex linkages justify considering the entire coastal dune habitat as an Ecosystem ESHA (WRA 2019). Compensatory mitigation for individual species is largely inadequate when considering how to restore an entire ecosystem. Rather, mitigation for such ecosystem-level ESHAs must consider the foundational aspects of the habitat as well as the interactions between species. Due to the difficulty of restoring these types of ecosystem-level ESHAs, avoidance of these sensitive habitats must be given the highest priority when evaluating projects. If impacts are unavoidable, measures that minimize impacts to the habitat are preferred. Only after such consideration will compensatory mitigation that replaces lost habitat be evaluated. A robust HMMP is necessary for the Coastal Commission to accomplish each step of this mitigation analytical framework.

The applicable Coastal Commission LCP update guide (2013) states that Natural Resource Components of LCPs should include “requirements for ensuring complete and detailed restoration and monitoring plans for projects involving habitat mitigation and restoration” (CCC 2013). It is also typical for the Coastal Commission to require preparation of HMMPs, Restoration Plans, or comparable documents during its review of a project, particularly for controversial projects or projects involving impacts to federal and/or state listed species. It is critically important for the Coastal Act permitting agency to have the necessary biological foundation to be able to evaluate the adequacy of the mitigation action.

Given the importance of Flandrian Dune habitat in the region, a specific restoration and/or creation plan must be provided that takes degraded or non-ESHA habitat and restores it to the quality that is required to assure that the ecosystem processes that occur within this habitat are replaced and fully mitigated. These Coastal Act requirements are more stringent than a CEQA level mitigation to reduce the Project’s impacts to less than significant levels.

Another reason why habitat replacement is necessary is that the area where the permanent impacts for the well sites and access road are occurring was designated in the CEMEX settlement agreements (which settled the combined enforcement actions of the Coastal Commission, the City, and the State Lands Commission) as an area where the CEMEX Reclamation Plan would restore native dune habitat. In other words, in the absence of the Applicant’s Project, the three public agencies have already been assured that this area would be dune habitat in the future. The net loss of habitat, if Applicant’s Project is allowed, must be replaced in kind elsewhere. There are, in addition, indirect impacts associated with the Project in that the proposed Reclamation Plan will need to be revised to allow for stabilization of dunes in the areas surrounding the wells and the roads. Given the natural forces that shape the dunes and create conditions suitable for specific plant and animal species, these indirect effects also need to be mitigated.

Under both the Coastal Commission and City LCP requirements, a Long Term Mitigation and Monitoring Plan (LTMP) must also be prepared and submitted. Given the known threats to dune habitats in the region from invasive plants, actions are needed to manage these habitats over the long term to assure their viability.

WRA Review

WRA performed a Technical Review of the MPWSP project and its impact on Primary and Secondary Habitat for the City on February 7, 2018 and prepared comments to the Coastal Commission dated October 17, 2019. The reviews found numerous inadequacies in the application materials and the complete failure of the Project to meet the standards for adequate mitigation as required by the City and the CCC. Among other findings, WRA determined that the total “fully mitigated” habitat area within the City’s LCP jurisdiction that needed to be replaced was 50.72 acres (Table 1). Cal-Am did not provide a HMMP or LTMP to the City (in early 2019) or the CCC (in fall 2019) that met the standards of either agency.

Table 1. Primary and Secondary Habitat Recommended Habitat Replacement Ratios (WRA 2019)

Resource	Area of Impact (acres)	FEIS/FEIR Mitigation Ratio / Area (acres)	Recommended Fully Mitigated Habitat Replacement Ratio / Area (acres)
Primary habitat – permanent impacts	2.21 acres	2:1 ratio 4.42 acres	3:1 ratio 6.63 acres
Primary habitat – temporary impacts	6.45 acres	1:1 ratio 6.45 acres*	3:1 ratio 19.35 acres
Secondary habitat – temporary impacts	12.37 acres	1:1 ratio 12.37 acres *	2:1 ratio 24.74 acres
Total	21.03 acres	23.24 acres	50.72 acres

*Temporary impacts proposed to be restored in place

In June 2020, the MPWSP submitted an HMMP to the California Coastal Commission. WRA has reviewed that HMMP and provides the following comments to the City and Commission staff:

Lack of Overall Management Plan for Restoration

The proposed project will occur on property that is subject to protection under a Consent Settlement Agreement and Cease and Desist Order (Agreement) and related agreements signed in June 2017. The parties to the Agreement (CEMEX, City of Marina, and Coastal Commission) determined that the property, including the area proposed under the HMMP, will be sold at a reduced price to an entity approved by the Coastal Commission that will commit to holding and managing the site for conservation purposes and other allowable uses. At this time, there is no indication that funding and management of the property will not occur as anticipated in the Agreement.

If the property is purchased by the State, any activities proposed in this HMMP would be subject to approval by the State and the land subject to lease to MPWSP should it be permitted to undertake mitigation on the property. In addition, it is expected that once a government or non-profit entity has acquired the property, a restoration and management plan will be prepared to identify the types of restoration actions needed and where they may occur. The management plan will likely include other measures for the protection of habitat, phasing of restoration actions, public access, and research and educational actions. A recent management plan prepared for Salinas River State Beach provides an example of the issues that need to be planned before major actions are undertaken¹.

The proposed MPWSP HMMP here has been prepared in a vacuum and there is no certainty that the MPWSP proposal will be consistent with restoration goals of the entity that will be purchasing the land until such a management plan is prepared. As a result, there is no assurance that the

¹ Central Coast Wetlands Group and Coastal Conservation and Research. 2020. Salinas River State Beach: Dune Restoration and Management Plan. 53 pages

restoration actions as proposed would occur as described until an overall management plan is prepared.

Funding for Purchase of Restoration Area

The HMMP provides three options for completion depending upon the timing of the property transfer. Under the first option, Cal-Am would develop, implement, and fund the HMMP prior to the transfer of the property². Under the second option it would fund implementation of the HMMP to be undertaken by another entity. Under the third, Cal-Am would fund an endowment equal to the cost to implement the HMMP and long term mitigation and Cal-Am also states that it would “contribute to the purchase of the CEMEX site”. Cal Am should be responsible for funding (or reimbursing the purchaser) for the land acquisition to meet the mitigation requirements under all options, if mitigation is approved within this area. Funds should be sufficient for any buffer areas or additional lands as needed to fully mitigate project impacts (see below).

Fully Mitigated Requires Restoration of Slant Well Site at End of Project Life

The Coastal Commission Staff Report noted that the previously submitted “mitigation strategy” by MPWSP would result in a net loss of habitat. While restoration of coastal dunes through invasive plant removal and replanting is a needed restoration action, the permanent loss of important Flandrian dune habitat at the project site is not replaced. Restoration of the area of the slant wells should be included in the HMMP when the wells are no longer being used or the project life has ended. All areas around the slant wells will be reclaimed by CEMEX so the slant well pads and access roads should be returned to a natural state consistent with the surrounding area. The HMMP should include a restoration plan for the slant wells consistent with the reclamation plan and Cal-Am should be responsible for its implementation.

Amount of Mitigation Required is Understated

The HMMP is focused on mitigation for permanent impacts of approximately 2.2 acres. It describes the actions that MPWSP will take to mitigate that impact at 3:1 through removal of invasive plant species, revegetation with native species, and compliance with performance standards within five years. WRA found that within the City of Marina, there were also impacts that Cal-Am characterizes as “temporary” to Primary Habitat (6.45 acres) and to Secondary Habitat (12.37 acres). The total impacts within the City of Marina LCP jurisdiction are 21.03 acres (Table 1). The Staff Report found up to 35 acres of permanent and temporary impacts; however, no detail was provided.

The proposed MPWSP HMMP concurs on the amount of permanent impacts to Primary Habitat; however, it describes temporary impacts as 6.26 acres to Primary Habitat and 4.46 acres to Secondary Habitat for a total of 15.31 acres due to additional avoidance measures during the design phase. The City has not been provided with these drawings for verification and this should be done as part of the evaluation of the HMMP proposal.

² Under the Agreement, CEMEX cannot provide any party use of the property until it is transferred unless specifically approved by the Executive Director of the Coastal Commission (Section 6.2B).

MPWSP states that all restoration in areas of temporary impact "will be concurrent with Project construction"; however, it does not provide a time table to verify that they would qualify under CCC precedents in regard to restoration within one year of impact³. The MPWSP application states that temporary impacts would occur to Primary Habitat on the CEMEX property over a 17-month period, plus additional time for testing. Temporary impacts to Secondary Habitat along the TAMC ROW would occur over a 15-month period⁴. Pipeline installation would occur in segments, with excavation and backfilling occurring within one year; however, seeding or other revegetation activities would not likely occur until the entire pipeline is installed and tested to ensure proper function.

Thus, the time between initial disturbance and restoration to pre-project conditions in both primary and secondary habitat areas could well be longer than one year⁵. Therefore, the temporary impacts must be considered permanent impacts and are subject to the 3:1 mitigation ratios. In that case, the amount of mitigation described under the HMMP would not meet the standards normally required by the Commission and the HMMP as submitted does not provide any detail on the other areas that would be restored to meet this mitigation requirement.

The schedule for the implementation of the HMMP will be delayed to some period after the construction according to Table 7-1. It should be concurrent with the project implementation or additional mitigation should be required due to the time delay in implementation.

Issues Affecting Likelihood Of Success

Ice plant cover is extensive adjacent to the areas where Cal-Am is proposing removal, especially in the western portion of the proposed mitigation area. Other projects have found that re-invasion from surrounding populations can affect the ability to meet long term performance standards.⁶ Given that these areas may be reinvaded by invasive species due to the surrounding conditions, the City's "fully mitigated" standard will not be met. A buffer area for removal of invasive plants of 100 meters around the restoration site is necessary to assure long term success of the mitigation and to achieve full ecological function.

The HMMP discusses the agricultural runoff to the mitigation site as a cause of the degradation of this area. The HMMP does not confirm that this runoff has ceased and, if not, it will continue

³ In their denial of the Foothill Transportation Corridor project (CC-018-07), the Commission wrote that it has generally considered "temporary" impacts that result in destruction of vegetation or alteration of the soil, especially those lasting one year or more, to be equivalent to permanent impacts. Such areas require restoration and hence the loss of habitat function may be considerably longer than the "temporary impact." In addition, there will be uncertainty regarding the success of the restoration. For those reasons, a mitigation ratio greater than 1:1 is generally appropriate.

⁴ An easement agreement proposed with the TAMC states the temporary construction easement is expected to require up to the full 100 foot width for construction activities for a two year period, not 15 months as stated in the application.

⁵ In CC-0003-19 (UPRR), the Commission staff wrote "While all ESHA impacts are defined as temporary by UPRR, the Commission has historically considered wetland and ESHA disturbances up to a year to warrant mitigation and be treated, for mitigation purposes, similar to permanent impacts."

⁶ Tidal Influence. 2009. Newport Beach Dunes Restoration Project. Dune Vegetation Monitoring Report

to adversely affect the site. The excess water will promote invasive species. No plan is provided to address continued agricultural drainage to this area and its effect on the ability of the site to meet the performance standards. If the agricultural runoff cannot be diverted from this area, the proposed mitigation will not be successful and therefore, not feasible.

Proposed Optional Mitigation within Existing Reclamation Plan

The HMMP proposes to undertake an additional 1.825 acre iceplant removal area. However, this area is within the Reclamation Plan to be implemented by CEMEX. A revegetation plan prepared by LSA for the Reclamation Plan already proposes to remove ice plant and revegetate with native species. Cal-Am states that its proposed work is not required but it is offering it as part of the HMMP but includes this area within its summary on mitigation provided (Table 3.4). However to qualify as an additional mitigation, this work would need to be done in areas outside of the Reclamation Plan.

No Long Term Management Plan Or Endowment Provided

Monitoring is only proposed for 5 years pending meeting the performance standards. No Long Term Maintenance Plan (LTMP) as required by the City (beyond the 5 year monitoring program) is included in the document. As a result, the costs associated with long-term management actions are unknown and cannot be determined for the endowment. A LTMP is needed in order to determine if the endowment is sufficient to provide for success of the mitigation area for the duration of the operation of the slant wells. It is well known that iceplant can recolonize dune habitats and overtake native habitats (NPS 2015)⁷. Maintenance actions to control ice plant within the mitigation areas will be necessary and need to be continued for the life of the proposed Project to assure that the impacts to dune habitat are fully mitigated. Once these costs have been determined, the financial instrument(s) to assure that the funds are available to the entity responsible for the mitigation sites are available in perpetuity. A process of accounting should be provided so that should the endowment not be sufficient to assure long-term success, Cal-Am will retain responsibility for additional funding to the endowment.

Contingency measures should identify additional areas for restoration should the performance standards not be met after a certain period of time due to factors that cannot be remediated.

Lack of Approval of HMMP from Resource Agencies

The City and the Commission should receive confirmation from the US Fish and Wildlife Service and the California Department of Fish and Game that the HMMP is acceptable to them. The Biological Opinion issued by the Service stated that no Habitat Mitigation and Monitoring Plan had been submitted by the applicant but was required prior to construction and subject to Service approval. No action has been finalized as of yet by the California Department of Fish and Game

⁷ National Park Service. 2015. Coastal Dune Habitat Restoration Projects: Why is Dune Restoration Important? Last updated February 28, 2015. (Available online: https://www.nps.gov/pore/learn/management/planning_dunerestoration_importance.htm)

as it relates to an Incidental Take Permit (ITP) so the Commission cannot be certain that the Department concurs with the proposed HMMP. In its comments on the ITP application, the Department found that the calculation of temporary and permanent impacts were not consistent for the species and additional information was required. The Department found that the compensatory mitigation proposed may not be sufficient to fully mitigate for the proposed taking. Most notably, the Department concluded that "it is not clear if the proposed compensation for Project impacts is commensurate with the level of take for each species listed in the IPT application." The Commission should confer with the Department on its recommendation prior to final approval.

Sea Level Rise

MPWSP must also address sea level rise as it relates to the longevity of the proposed mitigation area for the duration of the proposed project life. A sea-level rise and shoreline retreat analysis using the Commission's most recent guidance should be done for the mitigation area to assure that the area will be present during the life of the Project slant wells.

MARINA EXHIBIT 2

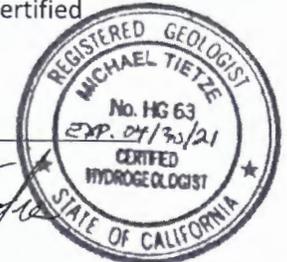
TECHNICAL MEMORANDUM

ASSESSMENT AND PROTECTION OF GROUNDWATER-DEPENDENT ECOSYSTEMS NEAR THE PROPOSED MONTEREY PENINSULA WATER SUPPLY PROJECT SLANT WELLS, MARINA, CALIFORNIA

PREPARED FOR: Mr. Layne Long and Mr. Brian McMinn, City of Marina

PREPARED BY: Mike Tietze, CHG, George Paul, PhD and Emily Tozzi, M.S., CPSS and Certified Arborist, Formation Environmental, LLC

DATE: April 13, 2020



1 INTRODUCTION

Formation Environmental, LLC (Formation) has prepared this Technical Memorandum at the request of the City of Marina (City) to describe key information regarding wetlands, vernal ponds and other groundwater-dependent ecosystems (GDEs) in and near the City that are sustained by groundwater in the Dune Sand Aquifer, which is the uppermost aquifer that underlies the area south of the Salinas River and near the coast. Slant wells are proposed to be installed into the Dune Sand Aquifer near the coast as part of the proposed Monterey Peninsula Water Supply Project (MPWSP) and would be pumped to provide raw water for desalination (“makeup water”). This memorandum identifies potential GDEs, summarizes the results of assessments to verify whether they are reliant on shallow groundwater, reviews selected regulatory, planning and legal requirements for the management of GDEs, and examines the potential effect of water extraction from the proposed slant wells on protected GDEs in the area that are in hydraulic communication with the Dune Sand Aquifer.

During preparation of the Groundwater Sustainability Plan (GSP) for the Marina Groundwater Sustainability Agency (MGSA) Area of the 180/400 Foot Aquifer Subbasin (Subbasin), Formation characterized the hydrogeologic setting, water budget and existing beneficial uses of groundwater in the vicinity of the City of Marina (Figure 1). The assessment included evaluation of the aquifer system and its potential interaction with groundwater-connected surface water and GDEs located near the MGSA Area. The MGSA Area includes the proposed location for the MPWSP slant wells. During the assessment, several GDEs and potential GDEs were identified in the area between the coast and the Salinas River in the vicinity of the City which is projected to be affected by drawdown induced by water extraction from the proposed slant wells.

This memorandum presents the methods and results of the investigation to identify and characterize GDEs in the area near the City south of the Salinas River, assess whether they may be impacted by pumping of raw makeup water for the proposed MPWSP, identify important data gaps; and provide

recommendations for future investigation, monitoring, and management. The investigation generally followed steps outlined in the guidance document developed by The Nature Conservancy (TNC) for the identification and evaluation of GDEs (TNC 2018). The following sections are included in this memorandum:

- Section 2 - Describes the procedures used to identify mapped potential GDEs from existing databases and to confirm their connection with groundwater based on local data.
- Section 3 - Presents a characterization of the GDEs, including a description of the associated aquifer system characteristics, and a summary of the GDE's ecological conditions.
- Section 4 - Provides information regarding the potential effect of groundwater withdrawals from the proposed MPWSP slant wells on the GDEs, including hydrologic effects and potential ecological / biological changes.
- Section 5 - Outlines regulations applicable to the management of the GDEs.
- Section 6 - Presents our recommendations for GDE management and proposed procedures to address data gaps.
- Section 7 - Lists the references cited in this memorandum.

2 IDENTIFICATION OF GDES

2.1 IDENTIFICATION OF POTENTIAL GDES

To address the requirements of California Code of Regulations Title 23 (23 CCR) Section 354.16(g), Formation used the best available information to identify potential GDEs near the MGSA Area that could be affected by groundwater extraction and management. We identified these features by using the "NC Dataset Viewer" of the Natural Communities Commonly Associated with Groundwater (NCCAG) database¹ compiled by the California Department of Water Resources (DWR) in collaboration with TNC and the California Department of Fish and Wildlife (CDFW) (DWR 2018; Klausmeyer *et al.* 2018). Figure 2 shows the location of potential GDEs in the area underlain by the Dune San Aquifer within the vicinity of the MGSA Area based on the NCCAG dataset.

The NCCAG dataset was derived by compiling data regarding seeps, springs, wetlands and vegetation communities from a number of sources (CDFW, United States Department of Agriculture [USDA] Forest Service, United States Fish and Wildlife Service [USFWS], California Department of Forestry [CDF], and US Geological Survey [USGS]), and screening them to identify the location and extent of springs, seeps, wetlands, riparian vegetation and other habitats and vegetation communities that are commonly dependent on groundwater. The potential GDEs shown in Figure 2 include both wetland and vegetation

¹ The Department of Water Resources' Natural Communities Commonly Associated with Groundwater dataset is available at: <https://gis.water.ca.gov/app/NCCAGDatasetViewer/>

GDEs. Based on information in the NC Dataset and the TNC's GDE Pulse² website, the potential GDEs mapped near the MGSA Area are described as follows:

- Potential GDEs in the Coastal Zone in and near the City include the following:
 - Potential Wetland GDEs - Palustrine, emergent, scrub shrub and unconsolidated bottom, permanent, seasonally, semi-permanently and permanently flooded wetlands.
 - Potential Vegetation GDEs - Willow (*Salix* spp.) and willow shrub vegetation.
- Potential GDEs located along the Salinas River include the following:
 - Potential Wetland GDEs - Palustrine, scrub shrub, emergent, riverine, tidal and unconsolidated bottom, permanent, seasonally flooded, permanently flooded and fresh-tidal wetlands.
 - Potential Vegetation GDEs - Riparian, flooded and swamp forest, freshwater marsh, wet meadow and low shrub carr.³

Several of the potential GDEs identified in the Coastal Zone near the City are identified as "vernal ponds" that are afforded specific protection and management under several land use plans. These vernal ponds consist of wetlands, seasonal ponds and perennial ponds that are believed to be remnants of marshes that occurred within the Salinas River floodplain approximately 12,000 years ago, and were subsequently covered by encroaching coastal sand dunes (The Habitat Group 1994). These ponds are described in the City's planning documents as water pools that expand during the wet season and support marshy wetlands that provide habitat for plants and animals much of the year (City of Marina 2013a). They represent unique coastal ecosystems that are important stopover points for migratory waterfowl and provide habitat to a number of sensitive plant and animal species. The City's Local Coastal Plan, certified by the California Coastal Commission (CCC) on April 20, 1982, guides development within the coastal zone in Marina and recognizes the importance and unique nature of these vernal ponds, which are designated for protection as Environmentally Sensitive Habitat Areas (ESHAs) under the California Coastal Act.

A request for development of a Comprehensive Management Plan (CMP) was initiated in 1990 by the CCC in response to development pressures around the City's vernal pond resources. The City engaged stakeholders in a collaborative effort to prepare the CMP. A Technical Advisory Committee comprised of representatives from the City, Monterey Peninsula Regional Park District (MPRPD), California Department of Fish and Game (CDFG, now CDFW), CCC, Sierra Club, residents, and other interested stakeholders was also established to guide development of the plan. Four meetings were held with the Technical Advisory Committee. A public meeting was held on March 18, 1993, to present preliminary findings on the resources of the ponds and solicit comments from the public on management issues. A second public meeting was held on November 18, 1993, to present the draft plan and solicit comments on the proposed

² The Nature Conservancy tool GDE Pulse is available at <https://gde.codefornature.org/#/home>

³ A carr is a waterlogged wooded terrain that represents a succession stage between a marsh and the likely eventual formation of a riparian forest. Carrs are wetlands that are dominated by shrubs rather than trees.

management plan recommendations. The final CMP was adopted on February 15, 1994 (*Coastal/Vernal Ponds Comprehensive Management Plan*, The Habitat Restoration Group 1994). It identifies guidelines for the preservation, management and enhancement of these wetland resources, and identifies specific measures to be conducted at each pond to preserve, protect, and enhance sensitive resources. This includes seven ponds, including two hypersaline vernal (i.e., seasonal) ponds, two freshwater perennial ponds, two freshwater vernal ponds, and one fresh to brackish pond that functions as a perennial pond in most years. Table 1 lists the location and current ownership / management of these vernal ponds.

TABLE 1. VERNAL PONDS IN THE COASTAL ZONE NEAR MARINA

Pond	Location	Current Ownership/Management
Pond 1: Robin Drive Pond	West of Lake Drive	City of Marina
Pond 2: Lokke-Paddon Park	Reservation Road and Seaside Avenue	City of Marina
Pond 3: Marina Landing Pond	Reservation Road and Beach Road	Private/City
Pond 4: Marina Coast Water District Pond	North of Reservation Road West of Hwy 1	Marina Coast Water District
Pond 5: Marina State Beach Pond	South of Reservation Road West of Hwy 1	California Department of Parks and Recreation
Pond 6: Armstrong Ranch Ponds	West of Hwy 1	Private (unincorporated land outside City of Marina Limits)
Pond 7: Lake Drive Pond	West of Lake Drive	City of Marina

Source: City of Marina Local Coastal Program Land Use Plan (City of Marina 2014a)

Ponds 3, 5, and 6 are located closest to the MGSA Area:

- Pond 3 – Marina Landing Pond is south east of the MGSA Area.
- Pond 6 – Armstrong Ranch Complex Ponds is immediately to the east of the MGSA Area.
- Pond 5 – Marina Cost Water District Pond is south of the MGSA Area.

As shown on Figure 2, several additional similar wetland areas are located north of the Armstrong Ranch Complex Ponds, including several within the Salinas River National Wildlife Refuge.

2.2 VERIFICATION OF GROUNDWATER CONNECTION

To verify the connection of the mapped potential GDEs to groundwater, the depth to groundwater mapped in the uppermost aquifer underlying the area was compared to ground surface elevations in the area to assess whether (1) depth to groundwater meets the criteria for a potential groundwater connection; and (2) the spatial distribution of shallow groundwater coincides with locations where GDEs are mapped. To do this, a map of the groundwater table elevation in the Dune Sand Aquifer in April 2018 was prepared based on data from shallow groundwater monitoring wells located in the area and

the groundwater table elevation was subtracted from the ground surface elevation in the USGS Digital Elevation Model for the area. The area of comparison only includes the area where groundwater levels could be reliably interpolated from the available data. The results are presented in Figure 3.

As shown in Figure 3, the locations of the shallowest depth to groundwater coincided with the locations of mapped potential GDEs associated with the Armstrong Ranch Pond Complex. TNC suggests a depth to groundwater criterion of 30 feet to assess the potential groundwater connection of GDEs (TNC 2018); however, for shallow-rooted herbaceous wetland species, shallower depths may be more appropriate. In the area of the Armstrong Ranch Pond Complex, the depth to groundwater was interpreted to be approximately 2 to 5 feet. These ponds are “dry” but still occupied by freshwater marsh species except during portions of the rainy season when there is surface water present. Per TNC guidance, these GDEs should be considered and managed as being groundwater connected unless additional data indicate they will not be harmed by groundwater withdrawal. Hence, they are simply referred to as “GDEs” or “identified GDEs” in the subsequent portions of this document.

The identified GDEs were then further evaluated by assessing the relationship between groundwater levels and summer evapotranspiration (ET) at one of the ponds of the Armstrong Ranch Pond Complex. Vegetation ET is directly proportional to biomass productivity and release of water to the atmosphere through transpiring plants or direct evaporation. In a Mediterranean climate, soil moisture is typically expected to be sparingly available in the summer, and in the absence of irrigation or a surface water source, vigorous plant growth and correspondingly high ET is typically expected to indicate transpiration of groundwater. An analysis of summer (June, July, and August) evapotranspiration from 2010 through 2018 was conducted using data developed by Formation under contract to DWR. The analysis applied the surface energy balance method (Paul *et al.* 2018) to calculate ET on a 30-meter grid using remote sensing data generated by the Landsat Satellite mission and local meteorological data. The results are presented in Figure 4 and show summer ET was significantly higher within the footprint of the pond than in the surrounding area, which indicates groundwater evapotranspiration. The calculated ET values in the pond varied with depth to groundwater in the nearby monitoring well (MW-4S). ET ranged from approximately 5 to 10 inches from 2010 to 2013, then decreased as groundwater levels fell during subsequent years to approximately 1 to 5 inches in 2014 and 2015, and 1 to 3 inches in 2016. In 2017, ET increased to approximately 3 to 10 inches as groundwater levels recovered. In 2018, ET was approximately 5 to 12 inches.

This analysis (1) demonstrates a distinct correlation between groundwater levels and ET from the wetland, and (2) illustrates its sensitivity to groundwater level declines. The best available data thus strongly support that this wetland is groundwater reliant, and for the purposes of groundwater management, confirm the existence of a GDE at this location. We believe that this wetland is likely representative of the groundwater and ecological features of the other protected vernal ponds in Figure 1, and that this conclusion can and should be extrapolated to those as well, and they should be considered and managed as identified GDEs. The other coastal wetlands near the City occur in similar settings and include perennial ponds with water surface elevations in the range of 0.5 to 5 feet above mean sea level (amsl), which is similar to groundwater table elevations in the Dune Sand Aquifer.

Therefore, the remaining wetland GDEs in the Coastal Zone near the City should also be managed as GDEs.

In addition, groundwater levels in the Dune Sand Aquifer near the Salinas River are relatively shallow, indicating the river is likely in communication with the Dune Sand Aquifer in this area. The following data support this conclusion:

- Measured groundwater elevations in wells within this area range from 6 to 8 feet amsl, which is less than 20 feet below the lowest elevation within the Salinas River (i.e., the thalweg) in this area (MGSA 2020).
- In early 2016, groundwater elevations measured in the shallow cluster monitoring wells (MW-6, MW-8 and MW-9) near the Salinas River showed a rapid and pronounced groundwater elevation increase (up to approximately 7 feet) which was closely correlated with a rise (from 2 to 20 feet) in the Salinas River stage at the Spreckels gaging station (GSS 2019).
- Geophysical data collected in 2017 indicate that groundwater elevations in the Dune Sand Aquifer are close to the river stage elevation and decline away from the river, suggesting that the river is recharging the aquifer in this location, and is therefore interconnected (Gottschalk *et al.* 2018).

Based on the above information, the mapped potential GDEs along the Salinas River are likely to be dependent on shallow groundwater that is hydraulically connected to the regional aquifer system in this area. Shallow groundwater levels near the river are likely maintained by infiltrating river water; however, they would also be affected by groundwater level declines. Thus, these potential GDEs should also be considered and managed as identified GDEs.

3 RESOURCE CHARACTERIZATION

3.1 AQUIFER CHARACTERISTICS

Figure 5 shows the area south of the Salinas River in the vicinity of the City where the GDEs discussed in this memorandum are located is underlain by highly permeable Quaternary dune sands. The Dune Sand Aquifer is contained within these sands and is the predominant unconfined aquifer in the Marina and Fort Ord areas. It is composed of fine- to medium-grained, well sorted, aeolian sand of Pleistocene to Recent age that extends offshore and up to 4 miles inland. At the coast near the MGSA Area, these deposits extend to depths up to 85 to 95 feet beneath the ground surface.

Within much of the Marina and Fort Ord areas, the Dune Sand Aquifer overlies a clay layer known in Fort Ord groundwater investigations as the Fort Ord- Salinas Valley Aquitard (FO-SVA) and known more regionally as part of the Salinas Valley Aquitard (SVA). When underlain by the SVA, the Dune Sand Aquifer is also referred to as the Perched Dune Sand Aquifer (Hopkins Groundwater Consultants 2016), or the A-Aquifer (Ahtna Environmental Inc., 2017). The underlying SVA or other aquitards, where present, are considered to create a perched or semi-perched condition for the Dune Sand Aquifer. Near

the coast and south of the Salinas River, the SVA thins out, bringing the Dune Sand Aquifer and the underlying 180-Foot Aquifer into hydraulic connection. The thinning of the SVA is coincident with a drop in the hydraulic head in the Dune Sand Aquifer. Here the groundwater enters the underlying Upper 180-Foot Aquifer, and flows southeastward, according to the hydraulic gradient (Ahtna Environmental Inc., 2017). The discontinuous nature of the SVA near the MGSA Area was also identified by geophysical investigations in the area (Gottschalk *et al.*, 2018).

As a result of the relatively high permeability of the Dune Sand Aquifer, it supports high recharge rates and has little to no runoff. As such, south of the Salinas River there are no major creeks, streams, or rivers that drain in the vicinity of the City, which relates to the high permeability and high recharge rate of the Dune Sand Aquifer. Groundwater occurs at depth beneath the tall, active dunes at the coast, but as noted in Section 2, can be relatively shallow further inland and beneath hollows and depressions, such as where the coastal wetland GDEs discussed in this memorandum are located. While it has been asserted that the vernal ponds near the City are supplied by the lateral inflow of perched groundwater on low permeability layers in the Quaternary dune sands, these layers have not been confirmed to be present or continuous at all of the pond locations (The Habitat Group 1994; Balance Hydrologics 2012), and the groundwater elevations, pond elevations, and conditions noted above are not consistent with perched aquifers that are isolated from an underlying aquifer system. Rather, the available data indicate that these areas are underlain with a continuous saturated zone that extends through the Dune Sand Aquifer to the GDEs.

Groundwater modeling conducted for the MPWSP indicates that the GDEs discussed in Section 2.0 are located within the area of predicted drawdown influence from pumping of the proposed MPWSP slant wells (ESI 2018). This is further supported by review of the MPWSP monitoring well hydrographs for the five well clusters with wells completed in the Dune Sand Aquifer (MW-4, MW-6, MW-7, MW-8 and MW-9) (Geoscience Support Services, 2019), the Dune Sand Aquifer east of the MGSA Area, where the GDEs are located, is in hydraulic communication with the aquifer interval from which groundwater was extracted during MPWSP test slant well pumping between 2015 and 2018. There were two major shut down events during test slant well pumping that occurred after extended periods of pumping (March 4, 2016, and February 28, 2018) that resulted in groundwater level recovery at many of these wells, indicating they were subject to drawdown influence from the test slant well. Specifically, there were a total of 30 recovery events logged in these hydrographs. There was a distinct and abrupt recovery of several feet in groundwater levels at all five locations in the 180-Foot and 400-Foot Aquifers during both shutdowns, for a total of 20 events. At the same time, there was an abrupt recovery of about 2 feet in the Dune Sand Aquifer wells during two recovery events, a slight recovery during four recovery events, and no observed recovery during four recovery events. Groundwater recovery in shallow wells may also be influenced by changes in regional pumping, recharge events or stage variation in the Salinas River, or recovery signals may be muted by local drawdown. However, the observation of a potential recovery signal in 60 percent of Dune Sand Aquifer wells correlated with a distinct recovery signal in the deeper wells indicates the Dune Sand Aquifer is hydraulically connected with the underlying aquifers at many locations, and that pumping of the test slant well produced attenuated drawdown at these locations.

In the MGSA Area, the Dune Sand Aquifer is seawater intruded; however, high recharge rates have resulted in a large zone of groundwater containing lower concentrations of total dissolved solids (TDS) immediately east of, and extending into the eastern portion of the MGSA Area, and underlying many of the GDEs identified in this memorandum (Gottschalk *et al* 2018). The concentrations of TDS detected in samples from these wells in April 2019 ranged from 896 to 32,600 milligrams per liter (mg/L) in April 2019, with the highest concentrations detected in wells adjacent to the coast (GSS 2019). However, airborne electromagnetic surveys of the Dune Sand Aquifer indicate that the uppermost groundwater TDS concentrations east of the MGSA Area are generally below 3,000 mg/L. As such, the available data indicate that shallow groundwater in the Dune Sand Aquifer can support GDEs with a variety of salt tolerances, as noted below in the Section 3.2.

3.2 BIOLOGICAL RESOURCES

The vernal ponds in the coastal zone near the City study area are an extremely valuable set of coastal ecosystems within the Monterey Bay region. The CMP states the following: “*Seasonal and permanent wetlands are critical habitat for a variety of wildlife species, and the near-coastal proximity of the ponds promotes use by species associated with the bay shoreline and other coastal wetlands*” (The Habitat Group 1994). By virtue of differences in hydrology, water quality, and associated vegetation, each of the seven ponds in the area possesses unique wildlife values and attracts a unique assemblage of species. A summary of the nature of the ponds and the associated biological resources is presented below in Table 2.

TABLE 2. BIOLOGICAL RESOURCES ASSOCIATED WITH VERNAL PONDS IN THE COASTAL ZONE NEAR THE CITY OF MARINA

Pond	Seasonality and Type	Natural Plant Communities	Known or Potential Special Status Wildlife Species	Reported Sensitive Habitat	Reported Special Status Plant Species
Pond 1: Robin Drive Pond	Seasonal Salt Marsh	Open Water, Freshwater Marsh, Coastal Saltwater Marsh, Mixed Grassland, Coyote Brush Scrub, Coastal Dune Scrub	Loggerhead Shrike, Monterey Ornate Shrew	Amphibian Breeding, Avocet and Stilt Nesting	Monterey Ceanothus
Pond 2: Lokke-Paddon Park	Perennial Freshwater Marsh	Open Water, Freshwater Marsh, Arroyo Willow Riparian Forest, Coastal Dune Scrub, Coyote Brush Scrub, Non-Native Grassland, Mixed Grassland	California Red-Legged Frog, Black Legless Lizard, Southwestern Pond Turtle, Merlin, Peregrine Falcon, Loggerhead Shrike, Yellow Warbler, Tricolored Blackbird	Tricolored Blackbird Roosting and Nesting, Diving Bird Foraging, American Coot Nesting, Raptor Foraging, Potential Black Legless Lizard	
Pond 3: Marina Landing Pond	Perennial Freshwater Marsh	Open Water, Coastal Freshwater Marsh, Arroyo Willow Riparian Forest, Mixed Grassland, Coastal Dune Scrub	Merlin, Peregrine Falcon	Diving Bird and Waterfowl Foraging, Waterfowl Nesting	

ASSESSMENT AND PROTECTION OF GROUNDWATER-DEPENDENT ECOSYSTEMS NEAR THE PROPOSED MONTEREY PENINSULA WATER SUPPLY PROJECT SLANT WELLS, MARINA, CALIFORNIA

Pond	Seasonality and Type	Natural Plant Communities	Known or Potential Special Status Wildlife Species	Reported Sensitive Habitat	Reported Special Status Plant Species
Pond 4: Marina Coast Water District Pond	Perennial/ Seasonal Salt Marsh	Open Water, Coastal Saltwater Marsh, Non-native grassland, Mixed Grassland	Smith's Blue Butterfly, Black Legless Lizard, Coast Horned Lizard, Merlin, Peregrine Falcon, Loggerhead Shrike, Monterey Ornate Shrew	Shorebird Foraging, Potential Black Legless Lizard and Smith Blue Butterfly	Branching Beach Aster, Coast Wallflower, Monterey Spineflower
Pond 5: Marina State Beach Pond	Seasonal Brackish Marsh	Coastal Saltwater Marsh, Non-Native Grassland, Coastal Dune Scrub, Coyote Brush Scrub, Rose Scrub	Smith's Blue Butterfly, Western Spadefoot Toad, Coast Horned Lizard, Merlin, Peregrine Falcon, Loggerhead Shrike	Shorebird Foraging, Potential Black Legless Lizard and Smith Blue Butterfly	Branching Beach Aster, Coast Wallflower, Monterey Spineflower, Sand Gilia
Pond 6: Armstrong Ranch Ponds	Seasonal Freshwater Marsh	Wet Meadow/Freshwater Marsh, Non-Native Grassland	Merlin, Peregrine Falcon, California Horned Lark, Loggerhead Shrike, Tricolored Blackbird	Potential Amphibian Breeding	
Pond 7: Lake Drive Pond	Perennial/ Seasonal Freshwater Marsh	Open Water, Wetlands	California Red-Legged Frog, Black Legless Lizard, Coast Horned Lizard, Merlin, Peregrine Falcon,	Diving Bird and Waterfowl Foraging, Waterfowl Nesting	Monterey Ceanothus

Source: Coastal/Vernal Pond Comprehensive Management Plan (The Habitat Group 1994)

The ecological water requirements and thresholds of responses to changes in groundwater levels differ among GDEs. Wetlands such as the vernal ponds present east of the MGSA Area are likely to be more highly groundwater dependent and contain sensitive communities that could be adversely affected by drawdown. Herbaceous wetland vegetation generally has a relatively shallow rooting depth and requires a relatively consistent groundwater depth. The reported rooting depth of Arroyo willow (*Salix lasiolepis*) is up to approximately 26 inches (USDA, 2020). The ability of such GDEs to adapt or recover from groundwater declines depends largely on the overall water budget and the degree to which the GDE is dependent on groundwater versus surface water inflow. The degree of interaction between wetlands and groundwater can vary greatly and depends on many factors including their position in the landscape, substrate permeability, water table depth, and seasonal fluctuations in water inputs. GDEs develop in response to unique timing, duration, frequency, and chemistry of water inputs. Major changes in wetland hydrology would be expected to significantly affect ecological function. However, minor changes in hydrology may result in little to no change in the ecological function of wetlands, depending on baseline conditions and whether those changes are short- or long-term and offset by seasonal recharge of the aquifer or surface inputs (JJ&A 2018).

The rooting depth of Fremont cottonwood (*Populus fremontii*) is reported to be up to 6.89 feet (Stromberg, 2013), depending on water table declination rates and other parameters,); and the rooting depth of Coastal live oak (*Quercus agrifolia*) is reported to be up to approximately 35 feet (Schenk and Jackson, 2002). Both of these species are reported to be present in the riparian areas along the Salinas River, as is arroyo willow and giant reed (*Arundo donax*). Giant reed is an invasive cane reed believed to be responsible for excess ET in many areas along the Salinas River. Deep-rooted phreatophytes such as cottonwoods and oak trees are not expected to be significantly affected by drawdown which is within the range of natural groundwater level fluctuations or occurs gradually over a period of years. Groundwater level fluctuations within the natural range or a gradual decline in groundwater levels can give riparian and phreatophyte species an opportunity to adapt to changing conditions. In addition, groundwater level fluctuations tend to be muted in riparian zones near streams, such as the Salinas River, due to infiltration from streamflow.

Risk assessment guidelines for GDEs developed by the State of New South Wales in Australia characterize drawdowns that are less than seasonal fluctuations as posing a low risk of adverse impacts (New South Wales Department of Primary Industries [NSWDPI], 2012). Research has shown that root distribution tends to be related to groundwater history; therefore, a rapid decline in water table relative to the condition under which roots developed may strand plant roots so they cannot obtain sufficient moisture (Shafroth, Stromberg and Patten, 2000). Although roots do tend to redistribute with the water table, plants cannot proliferate new roots if the water table decline is too rapid (Richards *et al* unpublished; Stella and Battles, 2010; Stella *et al.*, 2010). A rapid decline in groundwater levels of even as little as approximately 1 foot induced by groundwater pumping was shown to cause leaf death in riparian plains cottonwoods (*Populus deltoides*) and declines of 3 feet caused whole tree stress judged likely to lead to tree mortality (Cooper and Merritt, 2012). A rate of decline of as little as 3 centimeters / day was shown to be fatal to young Fremont cottonwood (*Populus fremontii*) seedlings (Stella and Battles, 2010). Therefore, relatively modest groundwater level declines can also significantly decrease the recruitment of new seedlings even if more mature trees ultimately adapt, potentially resulting in long-term riparian habitat decline or change (TNC, 2018; Amlin and Rood, 2002).

4 SELECTED REGULATORY REQUIREMENTS

4.1 CITY OF MARINA LOCAL COASTAL PROGRAM

The California Coastal Act requires that local governments in the Coastal Zone create and implement Local Coastal Programs (LCPs) to conserve coastal dependent land use. The City has an approved LCP that consists of a Local Coastal Land Use Plan (LCLUP) and a Local Coastal Implementation Plan (LCIP) (City of Marina 2013a, 2013b). Under the California Coastal Act, the City manages coastal development within its jurisdictional boundaries, including addressing the challenges presented by coastal hazards like storms, flooding, and erosion, and the California Coastal Commission (CCC) is the jurisdictional regulatory agency that oversees these issues below the mean high tide line.

The MGSA Area is within the Coastal Zone. The City's Coastal Zone includes Highway 1 and all lands west of Highway 1 within the incorporated limits. In addition, the Coastal Zone includes two other areas:

- Vacant lands west of Del Monte Boulevard between Reservation Road and the City's southern boundary, including coastal dunes, cultivated acreage, and some substantial vernal ponds with associated wetlands; and
- A narrow strip about 2 miles long west of Highway 1 within the Ford Ord boundary, including the coastal bikeway and the Southern Pacific Railroad tracks.

The MGSA Area is comprised of Primary and Secondary Habitat as defined under the City's LCP (City of Marina 2013a), which are considered ESHAs that are designated protected areas within the Coastal Zone of California under the California Coastal Act. Primary Habitat includes:

"1. Habitat for all identified plant and animal species which are rare, endangered threatened, or are necessary for the survival of an endangered species.

2. Vernal ponds and their associated wetland vegetation.

3. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina's natural sand dune formations.

4. Areas otherwise defined as Secondary Habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the City [Resolution No. 2001-118 (October 16, 2001); approved by the California Coastal Commission on November 14, 2001]."

The Coastal Act requires that ESHAs *"shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas"* (Public Resources Code, § 30240(a)). Similarly, the Marina LCP limits development in Primary Habitat.

The critical coastal planning issues in Marina include the protection of the entire unique coastal ecosystem, including the wetlands, the beach areas, the Flandrian dunes, and all of the protected species that depend on them. Preserving public access is also of key interest to the City. Since sand mining will cease in December 2020, focus on the future of the dunes and vernal ponds, and on establishing uses that would be compatible with the existing ESHA constraints present in the City's Coastal Zone is a priority. The policies of the LCLUP, as well as the land use designations, address these concerns and resolve them in terms of the mandates of the California Coastal Act for the beach, dunes, and vernal ponds. Policies related to habitat management relevant GDE management are as follows:

- **Vernal Ponds** – To protect and encourage the restoration of the vernal ponds to their original state and allow only those uses adjacent, which will reinforce and conserve the unique habitat qualities of these ponds (Policy 24).
- **Dunes** – To protect the habitat of recognized rare and threatened / endangered species found in the coastal dune area (Policy 25).

The emphasis of the LCLUP is to maximize public access consistent with the environmental sensitivity of the dune habitat and resident rare and threatened / endangered plants and animals. However, direct access to the dune vegetation is limited due to the level of use that the vegetation can withstand.

4.2 CITY OF MARINA GENERAL PLAN

The City's General Plan specifies open space policies to ensure retention of land with significant natural resource values (Policy 2.3.3) and include habitat reserves and other open space for the protection of important habitat and scenic areas (Policy 2.7.1). Habitat reserve and open space include coastal strand and dune areas adjacent to Monterey Bay and wetlands, which provide habitat for rare, threatened wildlife and plant species. Some of the lands designated as "Habitat Reserve and Other Open Space" in the General Plan are as follows and presented in Figure 2-7 of the General Plan:

- Approximately 1,600 acres west of Highway 1 are designated as Habitat Reserve for this purpose (Policy 2.10.2).
- An area of 80 acres on the Armstrong Ranch property between Del Monte Boulevard and Highway 1 is designated as Habitat Reserve due to the presence of vernal ponds (Policy 2.10.4).

The General Plan recognizes that future water demands will require changes in the management of water resources in the area, and water conservation and water reclamation and reuse will constitute major components of future water management efforts. The policies and programs of the General Plan are designed to promote both water conservation and the use of recycled water to protect water quality and to ensure that the demand of future community development does not exceed the capacity to provide water in an environmentally acceptable way (Policy 3.42).

4.3 MONTEREY COUNTY GENERAL PLAN

The Monterey County General Plan applies to land use and resource management decisions in the unincorporated areas east of the MGSA Area where many of the GDEs identified in this memorandum are located. The Plan includes the following goals and policies related to land use, conservation and open space, public water supply and agriculture that are relevant to GDEs:

- Promote appropriate and orderly growth and development while protecting desirable existing land uses [GOAL LU-1].
 - Land uses shall be designated to achieve compatibility with adjacent uses [LU-1.5].
- Encourage the provision of open space lands as part of all types of development including residential, commercial, industrial, and public [GOAL LU-8].
 - Creation of private, nonprofit land trusts and conservation organizations to receive development rights on any lands to be preserved and maintained as open space shall be supported [LU-8.6].
- Conserve listed species, critical habitat, habitat and species protected in area plans; avoid, minimize and mitigate significant impacts to biological resources [GOAL OS-5].

- Conservation of listed species shall be promoted [OS-5.1].
- Conservation of species shall be promoted as provided in the Area Plans [OS-5.2].
- Development shall be carefully planned to provide for the conservation and maintenance of critical habitat [OS-5.3].
- Development shall avoid, minimize, and mitigate impacts to listed species and critical habitat to the extent feasible [OS-5.4].
- Efforts to obtain and preserve natural areas of particular biologic, scientific, or educational interest, and restrict incompatible uses from encroaching upon them, shall be encouraged [OS-5.13].
- The County shall prepare, adopt, and implement a program that allows projects to mitigate the loss of critical habitat [OS-5.17].
- Prior to disturbing any federal or state jurisdictional areas, all applicable federal and state permitting requirements shall be met, including all mitigation measures for development of jurisdictional areas and associated riparian habitats [OS-5.18].
- In order to preserve riparian habitat, conserve the value of streams and rivers as wildlife corridors and reduce sediment and other water quality impacts of new development, the county shall develop and adopt a Stream Setback Ordinance [OS-5.22].
- Ensure that new development is assured a long-term sustainable water supply [GOAL PS-3].
 - Specific criteria for proof of a Long-Term Sustainable Water Supply and an Adequate Water Supply System for new development requiring a discretionary permit shall be developed by ordinance. The following factors shall be used [PS-3.2]:
 - Water quality
 - Production capacity
 - Capability of the water purveyor
 - Source of the water supply and nature of the water rights
 - Cumulative impacts of existing and projected future water demand, and the ability to reverse trends contributing to an overdraft condition
 - Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life
 - Projects or best management practices to renew or sustain aquifer functions.
 - Specific criteria shall be developed by ordinance for use in the evaluation and approval of adequacy of all domestic wells [PS-3.3].
 - The County shall request an assessment of impacts on adjacent wells and instream flows for new high-capacity wells where there may be a potential to affect existing adjacent domestic or water system wells adversely or in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life [PS-3.4].

Similar to the City General Plan, the County General Plan requires that decisions regarding groundwater management, well permitting and projects that may affect groundwater resources should consider effects of those projects and approvals on GDEs and provide mitigation for potential adverse effects. In addition,

the County General Plan prescribes specific policies and goals intended to protect riparian and wetland habitat, including GDEs.

4.4 APPLICABLE CALIFORNIA WATER CODE REGULATIONS AND LAW

The GSP Regulations include specific requirements to identify and consider GDEs (23 CCR § 354.16(g)) when determining whether groundwater conditions are having potential effects on beneficial uses and users. GSAs must also assess whether sustainable management criteria may cause adverse impacts to beneficial uses, which include environmental uses, such as for plants and wildlife.

The regulations specifically require a GSP to identify GDEs “within the basin” (*id.* § 354.16(g)). SGMA requires that all beneficial uses and users, including environmental users of groundwater, be considered in the development and implementation of GSPs (California Water Code (CWC) § 10723.2). It is clear from the regulations that in drafting a GSP, a GSA must assess whether groundwater extraction and management within its jurisdictional boundaries may cause adverse impacts to beneficial uses and users (including GDEs) both within and surrounding its jurisdictional boundaries. Similarly, as in developing sustainable management criteria, undesirable results within and surrounding a GSA must be considered and addressed. As such, the basin characterization information and sustainable management criteria in a GSP are intended to be used by a GSA to inform groundwater management within its jurisdictional boundaries and to coordinate plan implementation in accordance with 23 CCR § 357.4.

4.5 PUBLIC TRUST RESOURCES

A recent California Court of Appeal case held that counties have an obligation to consider public trust resources when granting well construction permits near navigable waters that are groundwater connected (*Env'tl. Law Found. v. State Water Res. Control Bd.*, 26 Cal. App. 5th 844 (Ct. App. 2018)). The case arose in 2009 in the context of a lawsuit over Siskiyou County's obligations in administering groundwater well permit and management programs with respect to the Scott River, a navigable waterway tributary to the Klamath River that is hydraulically connected to groundwater resources in the Scott River Groundwater Basin. The court held that when issuing well permits, Siskiyou County is required by the public trust doctrine to consider the potential impairment of public trust resources caused by groundwater extraction, and to protect those resources when feasible. Although the duty to consider the trust is imposed on the State, the court held that the county is also subject to that duty as a subdivision of the State. The court further held that the passage of the Sustainable Groundwater Management Act (SGMA) does not preempt or abrogate this requirement. The case was subsequently appealed to the California Supreme Court, which declined to hear it. Based on the Appeals Court decision in this case, the Public Trust Doctrine imposes an obligation for public agencies to consider how groundwater management affects public trust resources (CDFW 2020). Thus, when groundwater is interconnected with surface water resources protected under the trust, prior to issuing permits or approvals that result in groundwater extraction, any state agency or other subdivision of the State has a duty to consider the potential effect of that extraction on public trust resources, and to protect those resources when feasible. This includes direct effects on the protected resources, or indirect effects through depletion of tributary waters that are not directly protected under the Public Trust Doctrine.

This decision is important and directly applicable to the management of groundwater resources under the City of Marina and the approval of the proposed slant wells for the MPWSP. The Salinas River is a navigable inland waterway subject to the public trust. Based on the available data, the river and associated wetland and riparian vegetation GDEs are likely in hydraulic communication with the Dune Sand Aquifer and could be affected by groundwater withdrawal or drawdown in this aquifer induced by the MPWSP. In addition, the data indicate that the protected vernal pond GDEs identified in the Coastal Zone in and surrounding the City are also hydraulically connected with and dependent on shallow groundwater in the could also be adversely affected by groundwater withdrawals or drawdown. A letter filed with the California Coastal Commission on behalf of the City of Marina on November 8, 2019 by the City's attorneys discusses in detail why these vernal pond wetlands should also be protected under the Public Trust Doctrine (FBM 2019). Thus, given the above information, state and county agencies issuing permits approving the proposed MPWSP slant wells must conduct an analysis of the potential impacts of the proposed groundwater withdrawal on public trust resources, assess the feasibility of protecting these resources, and protect them to the extent required by law.

5 POTENTIAL IMPACTS RESULTING FROM GROUNDWATER EXTRACTION

The proposed extraction of 17,400 acre-feet per year from the proposed slant wells for the MPWSP has the potential to adversely affect GDEs near the MGSA area through drawdown-induced groundwater level decline. The Environmental Impact Report/Environmental Impact Statement for the MPWSP presents the results of groundwater modeling which indicate that pumping from the Dune Sand and 180-Foot Aquifers to supply water for the project is expected to result in drawdown ranging from 1 to 5 feet in the Dune Sand Aquifer in the area between the MPWSP and the Salinas River, and a flow depletion of approximately 400 acre feet per year in the river (ESA, 2018). The CCC employed an independent hydrogeologic expert who concluded that the groundwater model used to derive these estimates is based on a flawed conceptual model that may underestimate the MPWSP's extraction of aquifer water and the interconnection between different aquifer units (Weiss Associates, 2019). It is therefore possible that the drawdown and surface water depletion effects from operation of the proposed slant wells are similarly underestimated.

The ecological water requirements and thresholds of response to changes in groundwater levels differ among GDEs. GDEs develop in response to unique timing, duration, frequency and chemistry of water inputs. The ability of GDEs to adapt or recover from groundwater declines depends largely on the overall water budget, degree to which a GDE is dependent on groundwater, interaction of plant root systems with a changing water table, species present, and the ability of species to adapt to changing conditions and recover from stress. The degree of interaction between wetlands and groundwater also depends on their position in the landscape, the permeability of the substrate, depth to the water table, and seasonal fluctuations in water inputs.

A compilation of studies conducted by TNC in the western United States that examined plant response of 17 herbaceous wetland indicator species (11 common and six rare) to groundwater drawdown indicated gradual loss of indicator species starting with as little as 0.66 feet (0.2 meters) of drawdown, with a median of 2.99 feet (0.91 meters), and complete loss at 6.23 feet (1.9 meters) (Gerla *et al.* 2015). Rhode *et al.*

(2017) reviewed policies adopted for management of GDEs in the United States and globally, and assessed that thresholds for GDE responses to groundwater level decline are often assumed to follow linear, curvilinear, or step-wise functions, but that in reality they are likely habitat specific. A study of the effects of regulatory drawdown thresholds on inundation area and plant community composition in southeast Australia suggested that drawdowns from 0.82 feet (0.25 meters) to 0.98 feet (0.3 meters) represent a threshold where community composition is likely to change (Deane *et al.* 2017). The study setting was a regional unconfined aquifer with shallow groundwater levels and wetlands dependent on groundwater discharge, and included wetlands considered sensitive to even small declines in groundwater level. Thresholds were assigned based on ecological value, with higher functioning wetlands sensitive to changes assigned a threshold of up to 0.82 feet (0.25 meters) of acceptable drawdown over the course of five years; regional triggers were set at 1.64 feet (0.50 meters) over five years. Drawdown in shallow groundwater systems may alter community composition by increasing cover of exotic and upland or terrestrial species and increasing soil salinity from evapotranspiration; drawdown of deeper water systems may result in community change with conditions supporting greater cover of sedge species.

The Armstrong Ranch Pond Complex (Vernal Pond #6 in the CMP) are located approximately 300 to 1,000 feet east of the MGSA Area and include a series of seasonal wetlands with ponded water in the winter and wet herbaceous meadows likely subsisting on shallow groundwater during the dry season (The Habitat Restoration Group 1994). The calculated water evaporation and use by plants (i.e., ET) in the pond is shown in Figure 4 and ranged from approximately 5 to 10 inches from 2010 to 2013, then decreased to approximately 1 to 5 inches in 2014 and 2015, and 1 to 3 inches in 2016. In 2017, ET increased to approximately 3 to 10 inches, and in 2018 ET was approximately 5 to 12 inches. Although the decline in ET from 2014 to 2016 occurred during a period of severe drought, the slant well pumping test was also conducted from April 2015 to February 2018 (GSS, 2019). The hydrograph for well MW-4S indicates that the seasonal fluctuation in groundwater elevations in this area was approximately 2 feet and suggests that pumping-induced drawdown was approximately 1 foot below the normal range of groundwater level fluctuation during the drought period. The lowest groundwater elevations were observed in the summer of 2016 and averaged about 2 feet lower than in the subsequent summers of 2017 and 2018. The ET response associated with this groundwater level decline indicates a period of vegetative stress followed by recovery that coincided with a rise in groundwater levels; however, it is not known whether the species responsible for the recovery were the same species that experienced the distress or if some level of habitat degradation or succession occurred. The correlation between changes in groundwater elevations and GDE responses is a data gap because species compositional changes were not documented during the corresponding timeframe.

Research has shown that root distribution tends to be related to groundwater history; therefore, a rapid decline in water table relative to the condition under which roots developed may strand plant roots so they cannot obtain sufficient moisture (Shafroth, Stromberg and Patten, 2000). Although roots do tend to redistribute with the water table, plants cannot proliferate new roots if the water table decline is too rapid (Richards *et al.* unpublished; Stella and Battles, 2010; Stella *et al.*, 2010). A rapid decline in groundwater levels of even as little as approximately 1 foot induced by groundwater pumping was shown to cause leaf death in riparian plains cottonwoods (*Populus deltoides*) and declines of 3 feet caused whole

tree stress judged likely to lead to tree mortality (Cooper and Merritt, 2012). A rate of decline of as little as 3 centimeters / day was shown to be fatal to young Fremont cottonwood (*Populus fremontii*) seedlings (Stella and Battles, 2010). Therefore, relatively modest groundwater level declines can also significantly decrease the recruitment of new seedlings even if more mature trees ultimately adapt, potentially resulting in long-term riparian habitat decline or change (TNC, 2018; Amlin and Rood, 2002). As such, it is possible that pumping for the proposed MPWSP could adversely affect riparian vegetation near the Salinas River, but the extent of drawdown and the potential for adverse effects cannot be assessed at this time.

6 CONCLUSIONS AND RECOMMENDATIONS

During preparation of the GSP for the MGSA Area, a number of potential GDEs were identified in the area south of the Salinas River near the City of Marina. These potential GDEs were evaluated in accordance with guidelines developed by TNC to confirm they should be managed as GDEs under SGMA. Additional evaluations of the response of a representative vernal pond GDE near the MGSA area to groundwater level decline further confirmed the likely groundwater dependence of this GDE and, by extension, similar GDEs in the area. The identified GDEs include protected species and habitats that are managed under several existing management plans and protected under state and federal laws and the Public Trust Doctrine. Evaluation of the available data indicates these GDEs could be adversely affected by groundwater withdrawal from the proposed MPWSP slant wells, if approved and installed.

An analysis of historical ET variability, groundwater levels and drawdown at one of the Armstrong Ranch ponds demonstrates (1) a correlation between groundwater levels and biomass productivity in this GDE, and (2) illustrates its sensitivity to groundwater level declines. Biomass productivity rebounded with groundwater levels; however, it is not known whether the stress induced in the GDE resulted in a change in the vegetation community, habitat degradation, or habitat succession that is not readily reversible. Similarly, the available data indicate that adverse impacts to riparian vegetation can occur in response to even relatively modest groundwater level declines if they are rapid enough or of sufficient amplitude to affect the recruitment of new seedlings. Thus, at this time, it is not possible to determine precisely what level of drawdown imposed on natural groundwater elevation fluctuations would have a significant and unreasonable impact on the GDEs near the MGSA Area as defined under SGMA, or a significant impact under CEQA; however, substantial adverse impacts are possible.

To address this data gap, the GSP for the MGSA Area contains a recommendation that a qualified biologist and a hydrogeologist perform a baseline assessment of the vernal ponds that may be affected by groundwater level declines. The purpose of this baseline assessment will be to characterize these wetlands in terms of (1) their dependence on groundwater, (2) their potential sensitivity to groundwater level declines, and (3) establish baseline conditions for future comparison. Based on the findings of this assessment, a monitoring plan would be developed to assess changes in the vigor and quality of the GDE habitats over time and allow correlation of changes to shallow groundwater elevations. Quantitative approaches, such as the development of habitat suitability index models, state and succession models, or similar assessment tools, would be developed to assess possible future changes in habitat quality, services

and succession. In our experience, remote sensing coupled with photo documentation and on the ground surveys, when warranted, would support an effective monitoring and management strategy.

In addition and to comply with the SGMA regulations, which require that sustainable management criteria be established that will assure sustainable groundwater management *while* data gaps are addressed, the GSP for the MGSA Area outlines appropriate monitoring, measurable objectives and minimum thresholds governing the area to assure their protection (See 23 CCR §§ 354.24 and 355.4(b)). The GSP for the MGSA Area has been adopted by the City and submitted to the DWR; however, the GSP is currently on hold pending resolution of a lawsuit regarding its implementation. Deferring implementation of sustainable management criteria while data gaps are filled may allow irreversible damage to these protected habitats if the MPWSP project proceeds before this issue is resolved.

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FIGURE 1

Setting of the Marina Groundwater Sustainability Agency (MGSA) Area

Assessment of GDEs near the Proposed MPWSP Makeup Water Slant Wells, Marina, California

Legend

-  City of Marina GSA Area
-  Communities Dependent on Groundwater
-  180/400 Foot Aquifer Subbasin
-  Castroville Seawater Intrusion Project (CSIP) Distribution Area

Sources: ESRI Map Service Imagery,
 California Department of Water Resources,
<https://montereycountyopendata-12017-01-131232948815z-montereyco.opendata.arcgis.com>

DATE: DEC. 30, 2019





FIGURE 2

Potential GDE Locations near the MGSA Area

Assessment of GDEs near the Proposed MPWSP Makeup Water Slant Wells, Marina, California

-  Groundwater Dependent Ecosystems - Wetlands
-  Groundwater Dependent Ecosystem - Vegetation
-  City of Marina GSA (MGSA) Area
-  Cities



DATE: DEC. 30, 2019

Sources: ESRI Map Service Imagery, <https://sgma.water.ca.gov/portal/gsa>



FIGURE 3

LOCAL DUNE SAND AQUIFER WATER DEPTH TO GROUNDWATER MAP, APRIL 2, 2018

Assessment of GDEs near the Proposed MPWSP Makeup Water Slant Wells, Marina, California

Legend

- | | | | | | | |
|--|------------------------------------|--|--|--|--------|--|
| | Compliance Monitoring Well Cluster | | Groundwater Dependent Ecosystems - Wetlands | | Cities | Approximate Depth to Groundwater (ft)
 |
| | Monitoring Well Cluster | | Groundwater Dependent Ecosystem - Vegetation | | | |

DATE: AUG, 29, 2019

Sources: ESRI Map Service Imagery, <https://sgma.water.ca.gov/portal/gsa>



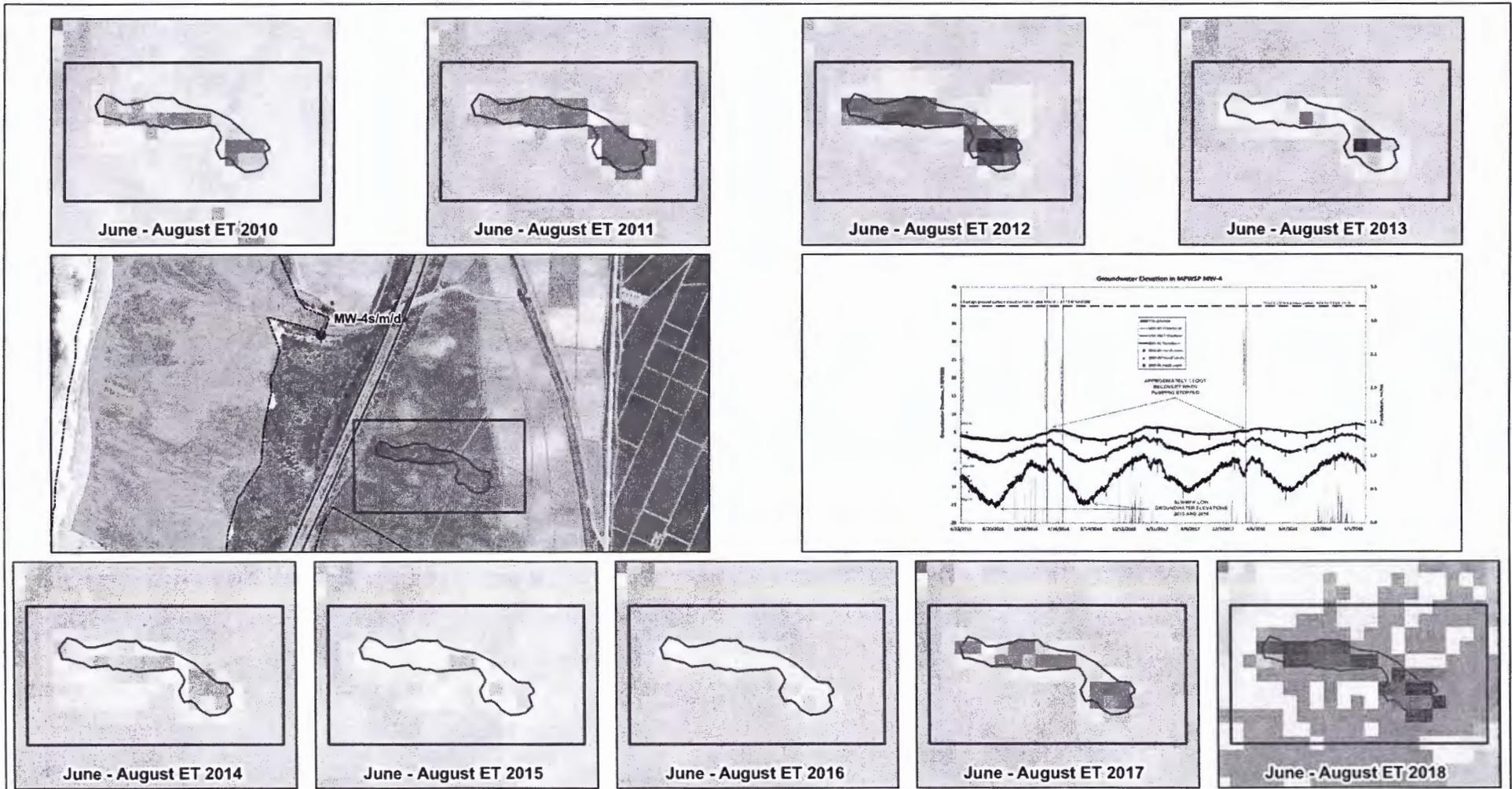


FIGURE 4

Analysis of Evapotranspiration from a GDE at the Armstrong Ranch Vernal Pond Complex

Assessment of GDEs near the Proposed MPWSP Makeup Water Slant Wells, Marina, California

Legend

- ET (Inches)
 - High : >10
 - Low : 0
- MW-4s/m/d
- Wetland
- City of Marina
- Area of Interest
- Highway 1
- City of Marina GSA (MGSA) Area

Sources: ESRI Map Service Imagery, Geoscience Support Services 2019, Paul et al. 2018, and the NC Dataset <https://gis.water.ca.gov/app/NCDatasetViewer/>



DATE: DEC. 30, 2019



FIGURE 5

Surficial Geology of the MGSA Area

Assessment of GDEs near the Proposed MPWSP Makeup Water Slant Wells, Marina, California

Legend

Geologic Units

- | | | |
|---|----------------------------|--------------------------------|
| Q - Alluvium, lake, playa, and terrace deposits | Qb - Basin Deposits | City of Marina |
| Qae - quaternary alluvium | Qd - Dune Sand | City of Marina GSA (MGSA) Area |
| | Qfi - Flood plain deposits | |
| | Qod - Older dune sand | |

Sources: ESRI Map Service Imagery,
<https://sgma.water.ca.gov/portal/gsa>,
 Department of Conservation,
 California Geological Survey



DATE: DEC. 30, 2019

MARINA EXHIBIT 3

Biological Resource and Groundwater Dependency Analysis of Marina Vernal Ponds

CITY OF MARINA, MONTEREY COUNTY, CALIFORNIA

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Appendix D – Photographs of the Study Area

LIST OF ACRONYMS AND ABBREVIATIONS

CCH	Consortium of California Herbaria
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
Corps	U.S. Army Corps of Engineers
CPMP	Coastal Vernal Pond Management Plan
CRLF	California Red-Legged Frog
CWA	Clean Water Act
CVCMP	Coastal/Vernal Pond Comprehensive Management Plan
ESA	Federal Endangered Species Act
ESHA	Environmentally Sensitive Habitat Area
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
Inventory	CNPS Inventory of Rare and Endangered Plants
LCP	Local Coastal Program
MBTA	Migratory Bird Treaty Act
PPT	Parts Per Thousand
Rank	CNPS Rare Plant Rank
RHA	Rivers and Harbors Act
RWQCB	Regional Water Quality Control Board
SGMA	Sustainable Groundwater Management Act
SWRCB	State Water Resources Control Board
USFWS	U.S. Fish and Wildlife Service
WBWG	Western Bat Working Group
WPT	Western Pond Turtle
WRA	WRA, Inc.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update to The Coastal/Vernal Pond Comprehensive Management Plan (CVCMP), developed in the early 1990s and adopted by the Marina City Council in November 1994, to identify the current hydrologic conditions and biological resources of six ponds within or adjacent to the City of Marina. This report also identifies potential resources, such as sensitive habitat and special-status species that are subject to regulatory constraints to activities that could impact the six ponds. On June 9 and 18, 2020, WRA, Inc. performed an assessment of current hydrologic conditions and biological resources at the six ponds within the City of Marina (Study Area).

WRA observed five aquatic and three upland sensitive biological communities within the Study Area. Six special-status plants were observed within the Study Area, and an additional 26 species have potential to occur within the Study Area. Twelve (12) special-status wildlife species have the potential to occur within the Study Area. In addition, four (4) species not listed in CNDDDB were determined to have a moderate potential to occur. Five (5) of the special-status species with potential to occur are birds, which could nest in trees and other vegetation that occurs within the Study Area.

Ponds 2, 3, and 7 now contain pockets of facultative hydrophytic vegetation, not described in the CVCMP, in areas where freshwater runoff from culverts and adjacent paved areas appears to pond against riparian and perennial marsh vegetation. With the exception of increases in the footprint of freshwater seasonal wetland, indicative of urban and road runoff, and riparian willow forest, groundwater-dependent ecosystems within the Study Area remain roughly as described in the CVCMP. The die off of perennial marsh vegetation at two ponds does not appear to be the result of changes in groundwater hydrology, though additional water quality analyses may be needed to confirm.

A high water table was observed within each pond at one or more sample points, and five of the ponds contained open water at the time of the June 2020 site visits, conducted well after the conclusion of the dry season. Willow riparian vegetation, which is dependent upon groundwater, was observed to have either established or increased substantially in footprint at three ponds, and perennial marsh vegetation was generally observed to be in good condition at all six ponds. Despite the recent establishment of pockets of freshwater seasonal wetland, all six ponds assessed in this report are reliant upon groundwater and therefore should be considered groundwater-dependent ecosystems. Perennial marsh vegetation and willow riparian vegetation within all six ponds could be adversely affected by future activities that cause groundwater drawdown.

1.0 INTRODUCTION

On June 9 and 18, 2020, WRA, Inc. (WRA) performed an assessment of biological resources at six ponds located in or adjacent to the City of Marina, Monterey County, California (Figure 1). Location details for each pond are included in Table 1, and depicted in Figure 2. The Study Area consists of wetland habitat associated with each pond and a buffer that extends roughly 50 feet upland from the wetland edge.

The Coastal/Vernal Pond Comprehensive Management Plan ([CVCMP] The Habitat Group 2014) was developed in 1994 to identify guidelines for the preservation, management, and enhancement of Marina's wetland resources (The Habitat Group 2014). The CVCMP identifies the hydrologic conditions, biological resources, and land uses of the seven vernal/coastal ponds within Marina. The CVCMP also identifies specific measures to be conducted at each pond to preserve, protect and enhance sensitive resources. The purpose of this report is to provide an update to the findings of the 1994 CVCMP based on current conditions observed at six of the seven ponds (Pond 6, the Armstrong Ranch Ponds, was not accessible at the time of the site visits). This assessment gathers information necessary to evaluate potential biological resources that could be considered constraints to activities that could influence hydrological influences of each pond.

This report describes the results of the site visits, which assessed the Study Area for the (1) potential to support special-status species; (2) presence of other sensitive biological resources protected by local, state, and federal laws and regulations; and (3) the biological, edaphic, and hydrological indicators of groundwater dependence. Specific findings on the habitat suitability or presence of special-status species or sensitive habitats may require that protocol-level surveys be conducted. This report also contains an evaluation of potential impacts to special-status species and sensitive biological resources that may occur as a result of a possible future development project.

The biological surveys conducted for this analysis do not constitute protocol-level surveys for listed species that may be required for project approval by local, state, or federal agencies. This assessment is based on information available at the time of the study and on site conditions that were observed on the dates of the site visits.

Table 1. Ponds Included in the Study Area; see also Figure 2.

Pond	Location	Current Ownership/Management
Pond 1: Robin Drive Pond	West of Lake Drive	City of Marina
Pond 2: Locke-Paddon Park	Reservation Road and Seaside Avenue	City of Marina
Pond 3a: Marina Landing Pond	Reservation Road and Beach Road, east of Reservation Road	Private/City of Marina
Pond 3b: Marina Landing Pond	Reservation Road and Beach Road, west of Reservation Road	Private/City of Marina
Pond 4: Marina Coast Water District Pond	North of Reservation Road, West of Highway 1	Marina Coast Water District

Pond	Location	Current Ownership/Management
Pond 5: Marina State Beach	South of Reservation Road, West of Highway 1	California Department of Parks and Recreation
Pond 7: Lake Drive Pond	West of Lake Drive	City of Marina

2.0 REGULATORY BACKGROUND

The following sections explain the regulatory context of the biological assessment, including applicable laws and regulations that were applied to the field investigations and analysis of potential project impacts.

2.1 Sensitive Biological Communities

The California Environmental Quality Act (CEQA) provides protections for particular vegetation types defined as sensitive by the California Department of Fish and Game (CDFW), and aquatic communities protected by laws and regulations administered by the U.S Army Corps of Engineers (Corps), State Water Resources Control Board (SWRCB), and Regional Water Quality Control Boards (RWQCB). The laws and regulations that provide protection for these resources are summarized below.

Sensitive Natural Communities: Sensitive natural communities include habitats that fulfill special functions or have special values. Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by the CDFW. CDFW ranks sensitive communities as "threatened" or "very threatened" (CDFG 2010, CDFW 2020a) and keeps records of their occurrences in its California Natural Diversity Database (CNDDDB; CDFW 2020a). CNDDDB vegetation alliances are ranked 1 through 5 based on NatureServe's (2020) methodology, with those alliances ranked globally (G) or statewide (S) as 1 through 3 considered sensitive. Impacts to sensitive natural communities identified in local or regional plans, policies, or regulations or those identified by the CDFW or U.S. Fish and Wildlife Service (USFWS) must be considered and evaluated under CEQA (CCR Title 14, Div. 6, Chap. 3, Appendix G).

Waters of the United States, Including Wetlands: The Corps regulates "Waters of the United States" under Section 404 of the Clean Water Act (CWA). Waters of the United States are defined in the Code of Federal Regulations (CFR) as including the territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, such as tributaries, lakes and ponds, impoundments of waters of the U.S., and wetlands (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands as defined in the Corps Wetlands Delineation Manual (Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Unvegetated waters including lakes, rivers, and streams may also be subject to Section 404 jurisdiction and are characterized by an ordinary high water mark (OHWM) identified based on field indicators such as the lack of vegetation, sorting of sediments, and other indicators of flowing or standing water. The placement of fill material into Waters of the United States generally requires a permit from the Corps under Section 404 of the CWA.

The Corps also regulates construction in navigable waterways of the U.S. through Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403). Section 10 of the RHA requires Corps approval and a permit for excavation or fill, or alteration or modification of the course, location,

condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor or refuge, or enclosure within the limits of any breakwater, or of the channel of any navigable water of the United States. Section 10 requirements apply only to navigable waters themselves, and are not applicable to tributaries, adjacent wetlands, and similar aquatic features not capable of supporting interstate commerce.

Waters of the State, Including Wetlands: The term "Waters of the State" is defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The SWRCB and nine RWQCBs protect waters within this broad regulatory scope through many different regulatory programs. Waters of the State in the context of a CEQA Biological Resources evaluation include wetlands and other surface waters protected by the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*. The SWRCB and RWQCB issue permits for the discharge of fill material into surface waters through the State Water Quality Certification Program, which fulfills requirements of Section 401 of the CWA and the Porter-Cologne Water Quality Control Act. Projects that require a CWA permit are also required to obtain a Water Quality Certification. If a project does not require a federal permit, but does involve discharge of dredge or fill material into surface waters of the State, the SWRCB and RWQCB may issue a permit in the form of Waste Discharge Requirements.

Sections 1600-1616 of California Fish and Game Code: Streams and lakes, as habitat for fish and wildlife species, are regulated by CDFW under Sections 1600-1616 of California Fish and Game Code (CFGC). Alterations to or work within or adjacent to streambeds or lakes generally require a 1602 Lake and Streambed Alteration Agreement. The term "stream", which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life [including] watercourses having a surface or subsurface flow that supports or has supported riparian vegetation" (14 CCR 1.72). The term "stream" can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFG 1994). Riparian vegetation has been defined as "vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself" (CDFG 1994). Removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from CDFW.

Environmentally Sensitive Habitat Areas: The California Coastal Act Section 30107.5 defines Environmentally Sensitive Habitat Areas (ESHAs) as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." Coastal Act Section 30240 protects ESHAs from "significant disruption of habitat values" limits allowable land uses within ESHAs, and requires adjacent uses to be designed to be compatible with habitat benefits provided by ESHAs. The Coastal Act includes wetlands as ESHAs, but does not specifically define every vegetation community defined as an ESHA. Instead, the California Coastal Commission (CCC) often delegates the responsibility for administering the California Coastal Act to local municipalities through the approval of Local Coastal Programs (LCPs). Many LCPs provide more specific lists of communities that are considered ESHAs.

City of Marina Local Coastal Land Use Plan:

The City of Marina has an approved LCP that consists of a Local Coastal Land Use Plan and a Local Coastal Implementation Plan (City of Marina 2013a, 2013b). Under the California Coastal Act, the City of Marina manages coastal development within its jurisdictional boundaries, including addressing the challenges presented by coastal hazards like storms, flooding, and erosion, and the CCC is the jurisdictional regulatory agency that oversees these issues below the mean high tide line. Primary and Secondary Habitat, as defined under the City's LCP (City of Marina 2013a), are considered ESHAs that are designated protected areas within the Coastal Zone. Primary Habitat includes:

- habitat for all identified plant and animal species which are rare, endangered or threatened, or are necessary for the survival of an endangered species;
- vernal ponds and their associated wetland vegetation; and
- all native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina's natural sand dune formations.

Secondary Habitat is defined as other areas that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the City of Marina.

City of Marina General Plan:

The City of Marina's General Plan (City of Marina 2010) specifies open space policies to ensure retention of land with significant natural resource values (Policy 2.3.3) and include habitat reserves and other open space for the protection of important habitat and scenic areas (Policy 2.7.1). Habitat reserve and open space include coastal strand and dune areas adjacent to Monterey Bay and wetlands, which provide habitat for rare, threatened and endangered wildlife and plant species.

The City of Marina's General Plan recognizes that future water demands will require changes in the management of water resources in the area, and water conservation and water reclamation and reuse will constitute major components of future water management efforts. The policies and programs of the General Plan are designed to promote both water conservation and the use of recycled water to protect water quality and to ensure that the demand of future community development does not exceed the capacity to provide water in an environmentally acceptable way (Policy 3.42).

Ponds 1, 2, 3, and 7 are within the boundaries of the City of Marina.

Monterey County General Plan:

The Monterey County General Plan (County of Monterey 2010) applies to land use and resource management decisions in the unincorporated areas east of the City of Marina. Similar to the City General Plan, the County General Plan contains goals and policies related to the conservation of listed species and critical habitat; and avoidance, minimization, and mitigation of significant impacts to biological resources. The Monterey County General Plan requires that decisions regarding groundwater management, well permitting, and projects that may affect groundwater resources should consider effects of those projects and approvals on groundwater-dependent ecosystems and provide mitigation for potential adverse effects. In addition, the County General Plan prescribes specific policies and goals intended to protect riparian and wetland habitat, such as an assessment of impacts on adjacent wells and instream flows for new high-capacity wells

where there may be a potential to affect existing adjacent domestic or water system wells adversely or in-stream flows necessary to support riparian vegetation, wetlands, fish, and other aquatic life [PS-3.4].

Ponds 4 and 5 fall under the Monterey County General Plan.

Marina Groundwater Sustainability Agency Groundwater Sustainability Plan

The Sustainable Groundwater Management Act (SGMA) requires Groundwater Sustainability Agencies (GSAs) to prepare Groundwater Sustainability Plans (GSPs) to achieve sustainable groundwater conditions in medium and high priority groundwater basins and subbasins designated by the California Department of Water Resources. The City of Marina GSA (MGSA) covers an area north of the urban growth center, in an area with a land use designation of Habitat Preserve and Other Open Space (MGSA 2020). The GSP Regulations include specific requirements to identify and consider Groundwater-Dependent Ecosystems (23 CCR § 354.16(g)) when determining whether groundwater conditions are having potential effects on beneficial uses and users. GSAs must also assess whether sustainable management criteria may cause adverse impacts to beneficial uses, which include environmental uses, such as plants and wildlife (MGSA 2020).

2.2 Special-Status Species

Special-status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These Acts afford protection to both listed and proposed species. In addition, CDFW Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, USFWS Birds of Conservation Concern, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally have no special legal status, they are given special consideration under CEQA.

In addition to regulations for special-status species, most birds in the United States, including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under this legislation, destroying active nests, eggs, and young is illegal. Bat species designated as “High Priority” by the Western Bat Working Group (WBWG) qualify for legal protection under Section 15380(d) of the CEQA Guidelines.

Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (Inventory; CNPS 2020a) with a CNPS Rare Plant Rank (Rank) of 1, 2, or 3 are also considered special-status plant species and must be considered under CEQA. A description of the Ranks is provided below in Table 2.

Table 2. Description of CNPS Ranks and Threat Codes

CNPS Rare Plant Ranks (formerly known as CNPS Lists)	
Rank 1A	Presumed extirpated in California and either rare or extinct elsewhere
Rank 1B	Rare, threatened, or endangered in California and elsewhere
Rank 2A	Presumed extirpated in California, but more common elsewhere
Rank 2B	Rare, threatened, or endangered in California, but more common elsewhere

Rank 3	Plants about which more information is needed - A review list
Rank 4	Plants of limited distribution - A watch list
Threat Ranks	
0.1	Seriously threatened in California
0.2	Moderately threatened in California
0.3	Not very threatened in California

Critical Habitat

Critical habitat is a term defined in the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species but which are needed for the species' recovery are protected by the prohibition against adverse modification of critical habitat.

3.0 METHODS

On June 9 and 18, 2020, the Study Area was traversed on foot to determine (1) which plant communities are present within the Study Area, (2) if existing conditions provided suitable habitat for any special-status plant or wildlife species, (3) if sensitive habitats are present, and (4) if current hydrology has substantially changed since the CVCMP was published in 1994. Ponds 1, 3, and 4 were visited on June 9, 2020, and Ponds 2, 5, and 7 were visited on June 18, 2020. For the purpose of the discussion of results, Pond 3 was subdivided into Pond 3a (east of Reservation Road) and Pond 3b (west of Reservation Road) (Figure 5-3). The Study Area was defined to include wetland habitat associated with each pond, and a buffer from the edge of wetland vegetation extending 50 feet into the upland. However, the site visits focused mainly on wetland habitat, and the buffer was cursorily examined for ability to support special-status plant or wildlife species and general conditions that might affect wetland and water quality. Plant nomenclature follows the Jepson Flora Project (Jepson eFlora 2020), except where noted. For cases in which regulatory agencies, CNPS, or other entities base rarity on older taxonomic treatments, precedence was given to the treatment used by those entities.

3.1 Biological Communities

Prior to the site visit, aerial imagery (Google Earth 2020); the National Wetlands Inventory (NWI; USFWS 2020a); the CVCMP (The Habitat Group 2014); and a recent assessment of groundwater-dependent ecosystems within the City of Marina ([Technical Memorandum]; Formation Environmental 2020) were reviewed to determine if any plant communities and/or aquatic features were present or had the potential to be present in the Study Area. Where possible, biological communities were classified based on existing descriptions from the CVCMP.

If not previously described, wetland communities were classified based on the descriptions used by the NWI. Biological communities were classified as sensitive or non-sensitive as defined by CEQA and other applicable laws and regulations.

3.1.1 *Non-sensitive Biological Communities*

Non-sensitive biological communities are those communities that are not afforded special protection under CEQA, and other state, federal, and local laws, regulations and ordinances. These communities may, however, provide suitable habitat for some special-status plant or wildlife species and are identified or described in Section 4.1.1 below.

3.1.2 *Sensitive Biological Communities*

Sensitive biological communities are defined as those communities that are given special protection under CEQA and other applicable federal, state, and local laws, regulations and ordinances. Applicable laws and ordinances are discussed above in Section 2.0.

The Study Area was inspected for streams and riparian vegetation that may be regulated as Waters of the State by RWQCB Section 401 of the CWA and/or by CDFW under Sections 1600-1616 of the CFGC. The Study Area was not formally assessed for the presence of waters of the State or waters of the U.S. including wetlands, and non-wetland waters using the methods described in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). Identification of wetlands focused primarily on updating the boundary of wetlands identified in the 1994 CVCMP based on the extent of hydrophytic vegetation and indicators of wetland hydrology.

3.1.3 *Groundwater-Dependent Ecosystems*

Each pond within the Study Area was assessed for potential changes in hydrology since the CVCMP was published, and for indicators of its potential groundwater-dependent ecosystem status. Prior to site visits, the CVCMP (The Habitat Group 2014) and the Technical Memorandum (Formation Environmental 2020) were evaluated to determine baseline hydrology conditions. During the site visit, hydrology inputs to each pond were assessed, and each pond was classified as predominantly precipitation- or groundwater-dependent, based on observed potential hydrological inputs, plant species composition and general hydrophytic vegetation condition, water salinity, and depth of soil saturation and roots within the soil profile. Additionally, the condition of the buffer around each pond was assessed for potential impacts to wetland and water quality. Four to five photopoints were established at each pond to serve as reference points for any potential future changes to wetland hydrology and/or vegetation.

Salinity

Salinity and temperature readings were taken at each pond location using a handheld YSI unit. Salinity readings were recorded in parts per thousand (PPT) and temperature was recorded in degrees Celsius. The YSI probe was left in water for a minimum of 20 seconds for each reading to ensure accuracy. Four salinity readings were taken at Ponds 2, 3, 3a, 4, and 7. Due to its larger size, five readings were taken at Pond 1 for increased accuracy. No open water was present at Pond 5, however a single salinity reading was taken in the location of an excavated soil pit, where water had pooled. Salinity readings were taken in association with benchmark photo points, providing approximate sample locations (Figure 5).

Water Table

One to two soil pits were dug to a depth of approximately 14 inches at each pond. When more than one wetland habitat type was present, a sample pit was excavated in each wetland habitat type. Pits were preferentially dug in areas with perennial hydrophytic vegetation, and were dug at the upland edge of the wetland habitat whenever possible. The soil profile, including soil matrix color, texture, redoximorphic concentrations, and plant species present were characterized at each pit location. Within the soil pit, depth to saturation, water table, and the depth to the end of the root zone were recorded.

3.2 Special-Status Species

3.2.1 Literature Review

Potential occurrence of special-status species in the Study Area was evaluated by first determining which special-status species occur in the vicinity of the Study Area through a literature and database search. Database searches for known occurrences of special-status species focused on the Marina, Monterey, Moss Landing, Prunedale, Salinas, Seaside, and Spreckels U.S. Geological Survey 7.5-minute quadrangle maps. The following sources were reviewed to determine which special-status plant and wildlife species have been documented to occur in the vicinity of the Study Area:

- CNDDDB records (CDFW 2020a)
- USFWS Information for Planning and Consultation database (USFWS 2020b)
- CNPS Inventory records (CNPS 2020a)
- Consortium of California Herbaria records (CCH 2020)
- CDFG publication "California's Wildlife, Volumes I-III" (Zeiner et al. 1990)
- CDFG publication "Amphibians and Reptile Species of Special Concern in California" (Jennings 1994)
- A Field Guide to Western Reptiles and Amphibians (Stebbins 2003)

3.2.2 Site Assessment

A site visit was made to the Study Area to search for suitable habitats for special-status species. Habitat conditions observed at the site were used to evaluate the potential for presence of special-status species based on these searches and the professional expertise of the investigating biologists. The potential for each special-status species to occur in the Study Area was then evaluated according to the following criteria:

- No Potential. Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.
- Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.

- High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- Present. Species is observed on the site or has been recorded (i.e. CNDDDB, other reports) on the site recently.

The site assessment is intended to identify the presence or absence of suitable habitat for each special-status species known to occur in the vicinity to determine its potential to occur in the Study Area. The site visit does not constitute protocol-level surveys and is not sufficient to conclude the absence of a species. In cases where little information is known about species occurrences and habitat requirements, the species evaluation was based on best professional judgment of WRA biologists with experience working with the species and habitats.

If a special-status species was observed during the site visit, its presence was recorded, and it is discussed below in Section 4.2. For some species, a site assessment visit at the level conducted for this report may not be sufficient to determine presence or absence of a species to the specifications of regulatory agencies. In these cases, a species may be assumed to be present or further protocol-level special-status species surveys may be necessary. Special-status species for which further protocol-level surveys may be necessary are described below in Section 4.2.

4.0 RESULTS

Vernal ponds included within the Study Area are situated within the coastal plain of Monterey Bay, within 1 mile of the Pacific Ocean, and approximately 2 miles east of the Salinas River. The elevation of the ponds ranges between approximately 0 and 5 feet above mean sea level, while the surrounding dune deposits reach elevations over 100 feet above mean sea level. The ponds lay within highly permeable Quaternary sand dune deposits, which contain the Dune Sands Aquifer, the predominant aquifer in the Marina area (The Habitat Group 1994, Formation Environmental 2020). Surrounding land uses vary between ponds, but include paved roads and Highway 1; housing and commercial developments; and managed lands such as the Marina Dunes Preserve, Marina State Beach, and Locke-Paddon Park. Adjacent habitat types to the east include coastal dunes, coastal scrub, and the Pacific Ocean. Adjacent habitat types to the north, south, and west include a matrix of ruderal grassland, ornamental plantings, and developed and landscaped areas.

Recent hydrogeological research performed during preparation of the Groundwater Sustainability Plan for the MGSA, reached the following conclusions regarding the hydrogeological connection of the Marina vernal ponds with the underlying aquifers:

Groundwater occurs at depth beneath the tall, active dunes at the coast, but as noted in Section 2, can be relatively shallow further inland and beneath hollows and depressions, such as where the coastal wetland GDEs discussed in this memorandum are located. While it has been asserted that the vernal ponds near the City are supplied by the lateral inflow of perched groundwater on low permeability layers in the Quaternary dune sands, these layers have not been confirmed to be present or continuous at all of the pond locations (The Habitat Group 1994; Balance Hydrologics 2012), and the groundwater elevations, pond elevations, and conditions noted above are not consistent with perched aquifers that are isolated from an underlying aquifer system. Rather, the available data indicate that these areas are underlain with a continuous saturated zone that extends through the Dune Sand Aquifer to the GDEs (Formation Environmental 2020).

Ponds within the Study Area are believed to be remnants of historic marshes that occurred within the Salinas River floodplain and were subsequently covered by encroaching coastal sand dunes (The Habitat Group 1994). No tidal fluctuation in pond levels has been observed (The Habitat Group 1994). Groundwater in this area is generally shallow, and an assessment conducted by Formation Environmental (2020) interpreted the depth to groundwater near the Armstrong Ranch Pond Complex (Pond 6) to be approximately 2 to 5 feet. In that study, the ponds occurred where groundwater levels were close or intersected the ground surface. The wetlands assessed by WRA occur in a similar setting, and include ponds whose water surface elevations have been measured from 0.5 to 5 feet above mean sea level, similar to the groundwater table elevations in the Dune Sand Aquifer (Formation Environmental 2020).

The ponds experienced some physical modification through the early to mid-20th century by grading and filling (The Habitat Group 1994). In the 1950s through early 1980s, substantial modifications occurred with construction of Highway 1 in 1976, as well as the construction residential subdivisions (The Habitat Group 1994). Hydrologic modifications included paving over dune areas with impervious road and roof surfaces; runoff from some areas was piped and discharged directly to several of the ponds (Ponds 1, 2, 3, and 7; The Habitat Group 1994). Additionally, portions of Ponds 1 and 4 and associated wetlands were filled during this time (The Habitat Group 1994). In 1988, Pond 2 was developed as a Park, and groundwater was discharged into it to raise its summer level to 4.5 feet above mean sea level (The Habitat Group 1994). In 1993, Pond 3 was modified as part of the Marina Landing Shopping Center development (The Habitat Group 1994). A review of recent aerial imagery (Google Earth 2020) shows that the approximate footprint and surrounding land uses of each pond has remained relatively unchanged since 1998 (no aerial imagery was available between 1994 and 1998).

4.1 Biological Communities

Table 3 summarizes the area of each biological community observed in the Study Area. Sensitive aquatic biological communities associated with the ponds include coastal freshwater marsh, coastal saltwater marsh, willow riparian forest, freshwater seasonal wetland, and open water. Sensitive upland biological communities include coastal dune scrub, California blackberry scrub, and rose scrub. Non-sensitive upland biological communities include non-native grassland, non-native vegetation, native landscaping, and coyote brush. Upland biological communities occurred within the 50-foot upland buffer and therefore were not included in mapping efforts and area calculations, which focused on the within pond habitats directly related to pond hydrology. Descriptions for each biological community are included in sections 4.1.1 and 4.1.2. Wetland communities within the Study Area are shown in Figure 5.

Table 3. Summary of Biological Communities in the Study Area

Community Type	Area (Acres) by Pond*						Total Area (Acres)
	1	2	3	4	5	7	
Upland							
<i>Non-Sensitive</i>							
Non-Native Grassland	-	X	X	-	-	-	N/A
Non-Native Vegetation	X	X	X	X	X	X	N/A
Native Landscaping	-	X	X	-	-	-	N/A
Coyote Brush Scrub	X	X	-	-	-	X	N/A
<i>Sensitive</i>							
Coastal Dune Scrub	X	-	X	X	X	X	N/A
Rose Scrub	-	-	-	-	X	-	N/A
California Blackberry Scrub	-	X	-	-	-	-	N/A
Aquatic							
Coastal Freshwater Marsh	-	8.17	0.56	-	-	1.61	10.34
Coastal Saltwater Marsh	4.58	-	-	0.33	0.38	-	5.29
Willow Riparian Forest	0.01	2.60	1.27	-	-	-	3.88
Freshwater Seasonal Wetland	-	0.40	0.02	-	-	0.01	0.43
Open Water	1.03	1.83	0.32	1.00	-	0.47	4.65
Total Area (Acres)	5.62	13	2.17	1.33	0.38	2.09	24.59

*Only wetlands, waters, and riparian areas were the focus of mapping activities and area calculations. Biological communities encountered in the upland buffer are characterized as either present ("X") or absent ("-") at each pond, with no calculation of area

4.1.1 Upland Biological Communities

Non-Native Grassland

Non-native grassland is associated with Ponds 2 and 3. Non-native grassland surrounding wetland vegetation is dominated by non-native annual grasses, such as slim oat (*Avena barbata*), ripgut brome (*Bromus diandrus*), and soft chess (*Bromus hordeaceus*), and forbs, such as Canada horseweed (*Erigeron canadensis*), prickly lettuce (*Lactuca serriola*), prostrate knotweed (*Polygonum aviculare*), and common plantain (*Plantago major*). At Pond 2, non-native grassland

occurs in and near the vicinity of the picnic area near the intersection of Reservation Road and Seaside Avenue. Mixed grassland community installed in the upland areas around Pond 3 in 1993 and 1994 appears to have converted to non-native grassland, although some beardless wild rye (*Elymus triticoides*) is still present.

Non-Native Vegetation

Non-native vegetation is present within the upland buffers surrounding each pond. This community consists of woody and herbaceous non-native vegetation that has been planted or naturally established in previously disturbed areas. Canopy species include acacia (*Acacia* sp.), blue gum (*Eucalyptus globulus*), Monterey cypress (*Hesperocyparis macrocarpa*), and Monterey pine (*Pinus radiata*). The understory consists of non-native herbaceous species, such as short-podded mustard (*Hirschfeldia incana*), wild radish (*Raphanus sativus*), and iceplant (*Carpobrotus chilensis*, *C. edulis*). Monotypic iceplant mats were observed at Ponds 1, 3, and 4; these iceplant mats appear to have increased in footprint since 1994 and are beginning to encroach upon coastal dune scrub at Ponds 1 and 4.

Native Landscaping

Areas surrounding Ponds 2 and 3 have been planted with native species. Linear segments along Reservation Road (Pond 2) and Beach Road (Pond 3) have been planted with native scrub species, including coyote brush (*Baccharis pilularis*), mock heather (*Ericameria ericoides*), and coastal bush lupine (*Lupinus arboreus*). The southeastern edge of Pond 2 has been planted with native plants, dominated by coast live oak (*Quercus agrifolia*), California blackberry (*Rubus ursinus*), field sedge (*Carex praegracilis*), and Brewer's rush (*Juncus breweri*). This community appears to have been relatively stable in footprint and species composition since 1994.

Coyote Brush Scrub

Small pockets of upland areas surrounding Ponds 1, 2, and 7 are dominated coyote brush scrub, sometimes co-dominant with California blackberry. This community appears to have been relatively stable since 1994.

Coastal Dune Scrub

This community occurs on the backs of dune slopes surrounding Ponds 4 and 5, and is also associated with portions of Ponds 1, 3, and 7. The vegetation of the coastal dune scrub community is characterized by low-growing shrubs and herbs, including false iceplant (*Conicosia pugioniformis*), sand lettuce (*Dudleya caespitosa*), mock heather, coast buckwheat (*Eriogonum latifolium*), sea cliff buckwheat (*Eriogonum parvifolium*), lizard tail (*Eriophyllum staechadifolium*), and iceplant. Coastal dune scrub within the Study Area is similar in footprint and species composition as described in 1994 (The Habitat Group, although monotypic iceplant mats are expanding in size at Ponds 1 and 4. Areas mapped as coastal dune scrub are considered an ESHA under the Coastal Act, and are also covered by the City of Marina (Ponds 1, 3, and 7) and Monterey County (Ponds 4 and 5) General Plans. This habitat would be considered sensitive under CEQA.

California Blackberry Scrub

Pond 2 contains a small pocket of monotypic California blackberry scrub, as described in 1994 (The Habitat Group). California blackberry (*Rubus ursinus* Shrubland Alliance) is ranked as S3 and is therefore considered sensitive under CEQA.

Rose Scrub

The upland buffer surrounding Pond 5 is dominated by dense California rose (*Rosa californica*) with interspersed coyote brush and California blackberry. Rose scrub (*Rosa californica* Shrubland Alliance) is ranked as S3 and are therefore considered sensitive under CEQA.

4.1.2 Aquatic Biological Communities

Areas mapped as sensitive biological communities below are likely to meet the requirements as a potentially jurisdictional features subject to agency approval under Sections 401 and 404 of the CWA and the Porter-Cologne Water Quality Control Act. Additionally, riparian vegetation may be regulated under Section 1602 of the CFGC.

Coastal Freshwater Marsh

Ponds 2, 3, and 7 contain coastal freshwater marsh around the perimeter of open, unvegetated waters. Coastal freshwater marsh associated with Ponds 2 and 7 remain relatively similar in extent and species composition as described in 1994 (The Habitat Group), and have been successfully established at Pond 3 since that time. The interior of coastal freshwater marsh within the Study Area is dominated by tule (*Schoenoplectus acutus* var. *occidentalis*) and broadleaf cattail (*Typha latifolia*), while the outer edges are dominated by salt marsh baccharis (*Baccharis glutinosa*), Brewer's rush, chairmaker's bulrush (*Schoenoplectus americanus*), and stinging nettle (*Urtica dioica*).

Coastal Saltwater Marsh

Ponds 1, 4, and 5 contain coastal saltwater marsh in roughly the same footprint and with similar species composition as described in 1994 (The Habitat Group). Coastal saltwater marsh occurs along the fringe of open water at Ponds 1 and 4, and throughout the entirety of Pond 5. This community is dominated by herbaceous vegetation and graminoids, including fat hen (*Atriplex prostrata*), saltmarsh bulrush (*Bolboschoenus maritimus* ssp. *paludosus*), alkali heath (*Frankenia salina*), jaumea (*Jaumea carnosa*), Brewer's rush, silver weed cinquefoil (*Potentilla anserina*), and pickleweed (*Salicornia pacifica*). At Pond 5, only the lowest portion of the pond contains dense halophytic vegetation, while the fringe of the feature is dominated by a near monotypic stand of Brewer's rush, interspersed with scattered alkali heath, silver weed cinquefoil, and California blackberry. Within some areas to the north that appear to be receiving increased freshwater runoff (see Section 4.1.3), freshwater herbs and graminoids such as tall cyperus (*Cyperus eragrostis*), curly dock (*Rumex crispus*), and spike rush (*Eleocharis macrostachya*) are beginning to co-dominate with halophytic species.

Less than one acre along the northwestern edge of Pond 1, west of the Robin Drive cul-de-sac, previously mapped as coastal saltwater marsh was reclassified as upland based on the lack of wetland hydrology indicators or hydric soil indicators during the June 2020 site visit. In June of 2020, this area was dominated by field sedge (*Carex praegracilis*), with scattered coyote brush and encroaching ice plant mats.

Willow Riparian Forest

Willow riparian forest was previously only mapped at Pond 2 (The Habitat Group 1994). Willow riparian habitat appears to have increased in footprint at Pond 2. Additionally, the fringes of Ponds 3a and 3b, and a small portion at the eastern end of Pond 1, now contain riparian vegetation dominated by willow. At Pond 1, this biological community consists of a small stand of arroyo willow. Willow riparian forest at Pond 2 is dominated by a dense overstory of arroyo willow (*Salix lasiolepis*) and red willow (*Salix laevigata*), with an understory of California blackberry and stinging nettle. At Pond 3, willow riparian forest is dominated by arroyo willow interspersed with acacia and toyon (*Heteromeles arbutifolia*), with an understory dominated by California blackberry and stinging nettle. These features are dependent upon groundwater associated with each pond.

Freshwater Seasonal Wetland

Freshwater seasonal wetland (NWI Classification PEM: Freshwater Emergent Wetland) was not previously mapped within the Study Area. However, Ponds 2, 3, and 7 now contain pockets of facultative hydrophytic vegetation in areas where freshwater runoff appears to pond against riparian and perennial marsh vegetation. Within the Study Area, seasonal wetlands are dominated by field sedge (*Carex praegracilis*), tall cyperus, western goldenrod (*Euthamia occidentalis*), Italian wild rye (*Festuca perennis*), alkali heath, Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), annual beard grass (*Polypogon monspeliensis*), silver weed cinquefoil, California blackberry, and curly dock, with scattered perennial marsh vegetation such as chairmaker's bulrush.

At Pond 2, freshwater seasonal wetland occurs below a culvert at the northern end of the pond, as well as along the southern and eastern fringes of the pond, where runoff from adjacent paved roads ponds against riparian and marsh vegetation. Freshwater seasonal wetland at Pond 3a occurs at the northern end of the pond, where runoff from Reservation Road appears to pond against riparian vegetation, and at the eastern end of the pond, which appears to receive runoff from an ephemeral upland swale to the east. Freshwater seasonal wetland at Pond 7 is associated with runoff from two culverts on the western side of the pond.

Open Water

Areas of Ponds 1, 2, 3, 4, and 7 that were inundated at the time of the site visit and contained less than 5 percent vegetation were classified as open water.

4.1.3 *Groundwater-Dependent Ecosystems*

Groundwater-dependent ecosystems within the Study Area include coastal freshwater marsh, coastal saltwater marsh, and willow riparian forest. Aside from apparent increases in freshwater hydrology inputs, and an increase in the footprint of willow riparian forest and coastal freshwater marsh, groundwater-dependent vegetation appears to be in relatively similar condition to conditions described in the CVCMP, as outlined in Section 4.1.2 above. Urban and road runoff appears to impact all six ponds degrees, as identified in the CVCMP, and as evidenced by the appearance of the new freshwater seasonal wetland habitat observed at Ponds 2, 3, and 7 during the June 2020 site visits.

In general, vegetation associated with groundwater-dependent ecosystems were in good condition, although large swaths of tule and broadleaf cattail associated coastal freshwater marsh are beginning to die off along the edges of the western and southern sides of Pond 7 and the

southern edges of Pond 2. Areas with perennial freshwater marsh vegetation die off appear to still have perennial wetland hydrology, as indicated by standing water at the time of the June 2020 site visits, so the die off is likely due to causes other than changes in groundwater (though no additional water quality samples were collected). Upland vegetation adjacent to marsh vegetation die offs at Pond 7 also appear to have died off during the 2020 growing season. Furthermore, healthy tule and broadleaf cattail vegetation appears to have been recently driven over with a motorized vehicle in small portions of Pond 7.

Salinity

Salinity and temperature readings, recorded with the YSI probe, are documented below in Table 4. Ponds 1 and 4 had higher salinity readings, ranging from 15.5 to 30.5 ppt. Ponds 2, 3, and 7 had lower salinity readings, ranging from 0.2 to 0.9 ppt, and groundwater sampled at Pond 5 had an intermediate salinity reading of 4.4 ppt. These findings correspond to what was observed in the CVCMP, which characterizes Ponds 1 and 4 as brackish to hypersaline, Pond 2 as fresh, and Ponds 3 and 7 as fresh to brackish (The Habitat Group 1994). Pond 5 did not have any standing water, and was completely vegetated, during the June 2020 site visit; this finding is consistent with what was documented in the CVCMP (The Habitat Group 2014).

Table 4. Salinity and Temperature Readings

Pond	Salinity (PPT)	Temperature (°C)	Classification
1	16.9	24.5	Brackish to Strongly Brackish
	17.5	24.6	
	17	28.8	
	17	26.5	
	15.5	26.4	
Pond 1 Average	16.78	26.16	
2	0.2	15.7	Fresh
	0.2	21.1	
	0.2	20.5	
	0.2	20.3	
Pond 2 Average	0.2	19.4	
3a	0.6	19.7	Fresh to Slightly Brackish
	0.2	19.7	
	0.2	19.9	
	0.2	21.3	
Pond 3a Average	0.3	20.15	
3b	0.9	29.8	Slightly Brackish
	0.9	17	
	0.9	27.5	
	0.9	18.4	
Pond 3b Average	0.9	23.175	
4	28.6	18.9	Strongly Brackish
	30.5	17.3	
	26	18.7	
	29.9	19.5	
Pond 4 Average	28.75	18.6	
5	4.4	17.6	Brackish
Pond 5 Average	4.4	17.6	

Pond	Salinity (PPT)	Temperature (°C)	Classification
7	0.3	23.8	Fresh
	0.3	30.4	
	0.3	30.8	
	0.3	25.4	
Pond 7 Average	0.3	27.6	

Water Table

The locations of soil pits excavated to assess the water table and root zone depth at each pond are depicted in Figure 5. Soil textures in each of the pits predominantly consisted of sand, with some sandy clay and sandy silt, often with inclusions of decomposing organic matter in the upper horizon of the soil profile. Soils in Pit P3-2 also contained inclusion of small pockets of clay below a depth of 2 inches. Table 5 summarizes the wetland habitat, dominant plant species, depth to saturation, depth to water table, and depth of the root zone at each of the soil pits excavated in June of 2020.

In general, perennial marsh (coastal saltwater and coastal freshwater) contained a high water table within 14 inches of the soil surface, indicating groundwater hydrology. However, the edges of wetland vegetation associated with Ponds 1 and 5 did not contain an observable water table (the water table was at a depth greater than 14 inches), despite the presence of perennial marsh vegetation. Depth to the water table for freshwater seasonal wetland ranged from 12.5 to greater than 14 inches.

Table 5. Summary Soil Pit Data

Pond	Pit ID	Habitat Type	Plant Species	Saturation Depth (inches)	Water Table Depth (inches)	Root Zone Depth (inches)
1	P1-1	Coastal saltwater marsh	Salt marsh bulrush, silver weed cinquefoil	8	10	14
	P1-2	Coastal freshwater marsh	Jaumea, alkali heath	>14	>14	>14
2	P2-1	Coastal freshwater marsh	Tall cyperus, silver weed cinquefoil, annual beard grass	5	8	8
	P2-2	Freshwater seasonal wetland	Arroyo willow, salt grass	11	12.5	10.5
3a	P3a-1	Coastal freshwater marsh	Chairmaker's bulrush, alkali heath, curly dock	5	7.5	5

Pond	Pit ID	Habitat Type	Plant Species	Saturation Depth (inches)	Water Table Depth (inches)	Root Zone Depth (inches)
	P3a-2	Freshwater seasonal wetland	Italian wild rye, Mediterranean barley	8	>14	8
3b	P3b-1	Coastal freshwater marsh	Spike rush, Brewer's rush, annual beard grass, chairmaker's bulrush	6	9.5	6
4	P4-1	Coastal saltwater marsh	Brewer's rush, alkali heath, pickleweed	7	8	10
5	P5-1	Coastal saltwater marsh	Brewer's rush, alkali heath	>14	>14	8
	P5-2	Coastal saltwater marsh	Salt grass, salt marsh bulrush, pickleweed	11.5	13.5	7.5
7	P7-1	Coastal freshwater marsh	Watercress (<i>Nasturtium officinale</i>), fat hen, chairmaker's bulrush, dotted smartweed (<i>Persicaria punctata</i>)	9.5	12	9

4.1.4 Summary Pond Descriptions

The following section summarizes aquatic biological communities and groundwater-dependent ecosystem analyses, briefly described above in Sections 4.1.1 and 4.1.2, in greater detail by pond.

Pond 1

Pond 1 contained open water, with less than 5 percent vegetative cover, at the time of the June 2020 site visit (Figure 5-1). Open water at Pond 1 is surrounded by a fringe of coastal saltwater marsh. The interior of the ring of coastal saltwater marsh at Pond 1 is dominated by pickleweed and perennial graminoids, such as saltmarsh bulrush and tule. The exterior of the ring of coastal salt marsh is dominated by a dense carpet of halophytic forbs, including jaumea and alkali heath. A small stand of arroyo willow occurs in the southeastern corner of Pond 1. Less than one acre along the northwestern edge of Pond 1, west of the Robin Drive cul-de-sac, previously mapped as coastal saltwater marsh was reclassified as upland based on the lack of wetland hydrology indicators or hydric soil indicators during the June 2020 site visit. In June of 2020, this area was

dominated by field sedge (*Carex praegracilis*), with scattered coyote brush and encroaching ice plant mats.

Aquatic vegetation at Pond 1 was generally in good condition at the time of the June 2020 site visit. Salinity measurements at Pond 1 ranged from 15.5 to 17.5 ppt, indicating that salinity at the pond ranges from brackish to strongly brackish. Urban runoff, from paved residential areas and Highway 1, appears to marginally contribute to the hydrology of Pond 1, particularly along the western and southern edges of the pond. Within the interior ring of coastal saltwater marsh vegetation, the water table was observed at a depth of 8 inches; however, within the exterior ring of coastal saltwater marsh vegetation, a high water table was not observed despite the presence of perennial coastal saltwater marsh vegetation. However, the presence of a high water table within the interior ring of coastal saltwater marsh vegetation, along with the presence of open water, several months after the conclusion of the wet season indicates that the hydrology of Pond 1 relies on groundwater; therefore, Pond 1 should be considered a groundwater-dependent ecosystem. Perennial marsh species that dominate coastal saltwater marsh, such as saltmarsh bulrush and tule, and arroyo willow are reliant on a source of year-round water and could be negatively impacted by activities that affect the groundwater table associated with Pond 1.

Pond 2

Pond 2 contained open water, with less than 5 percent vegetative cover, at the time of the June 2020 site visit (Figure 5-2). Open water at Pond 2 is surrounded by coastal freshwater marsh vegetation, dominated by tule and cattail in the interior; and salt marsh baccharis, Brewer's rush, chairmaker's bulrush, and stinging nettle in the exterior. Willow riparian habitat appears to have increased in footprint since the publication of the CVCMP. Willow riparian forest at Pond 2 is dominated by a dense overstory of arroyo and red willow, with an understory of California blackberry and stinging nettle. Freshwater seasonal wetland, not previously described in the CVCMP, occurs below a culvert at the northern end of the pond, as well as along the southern and eastern fringes of the pond, where runoff from adjacent paved roads ponds against riparian and marsh vegetation. Freshwater seasonal wetland surrounding Pond 2 is largely dominated by tall cyperus, annual beard grass, salt grass, and silver weed cinquefoil.

In general, aquatic vegetation associated with Pond 2 was in good condition at the time of the June 2020 site visit, although large swaths of tule and broadleaf cattail associated coastal freshwater marsh are beginning to die off along the southern edges of coastal freshwater marsh vegetation. Areas with perennial freshwater marsh vegetation die off appear to still have perennial wetland hydrology, as indicated by standing water at the time of the June 2020 site visits, so the die off is likely due to causes other than changes in groundwater. Salinity measurements at Pond 2 ranged from 0.2 to 0.6 ppt; therefore Pond 2 can be classified as fresh to slightly brackish. The water table was observed at a depth of 8 inches within coastal freshwater marsh, and at 12.5 inches within the freshwater seasonal wetland habitat. The expansion of willow riparian forest around the edges of Pond 2, high water table within coastal freshwater marsh and freshwater seasonal wetland vegetation, and the presence of open water several months after the conclusion of the wet season all indicate that the hydrology of Pond 2 relies on groundwater; therefore, Pond 2 should be considered a groundwater-dependent ecosystem despite apparent freshwater inputs from culvert runoff. Perennial marsh species that dominate coastal freshwater marsh, such as salt marsh baccharis, chairmaker's bulrush, cattail, and tule, and arroyo and red willow are reliant on a source of year-round water and could be negatively impacted by activities that affect the groundwater table associated with Pond 2.

Pond 3

Pond 3a (Figure 5-3) contained open water, with less than 5 percent vegetative cover, at the time of the June 2020 site visit. Pond 3b (Figure 5-3) also contained standing water at the time of the June 2020 site visit; however, the entirety of the feature contained greater than 5 percent vegetative cover. Both Ponds 3a and 3b contain coastal freshwater marsh vegetation, surrounded by willow riparian forest. Coastal freshwater marsh at Pond 3a is dominated by tule and chairmaker's bulrush; coastal freshwater marsh at Pond 3b is dominated by tule in the interior, and spike rush, Brewer's rush, annual beard grass, and chairmaker's bulrush around the fringes. Willow riparian forest is dominated by arroyo willow interspersed with acacia and toyon (*Heteromeles arbutifolia*), with an understory dominated by California blackberry and stinging nettle. Two small pockets of freshwater seasonal wetland, not described in the CVCMP, were observed at Pond 3a at the northern end of the pond, where runoff from Reservation Road appears to pond against riparian vegetation, and at the eastern end of the pond, which appears to receive runoff from an ephemeral upland swale to the east. Freshwater seasonal wetland was dominated by Italian wild rye, Mediterranean barley, curly dock, tall cyperus, and silver weed cinquefoil.

Aquatic vegetation associated with Ponds 3a and 3b were in good condition at the time of the June 2020 site visit. A deep erosional rill was observed on the eastern edge of Pond 3b in willow riparian forest, associated with runoff from Reservation Road. Both Ponds 3a and 3b appear to receive runoff from Reservation Road and culverts, as well as from an ephemeral upland swale east of Pond 3a. Salinity measurements at Pond 3a ranged from 0.2 to 0.6 ppt, classifying it as fresh to slightly brackish. Pond 3b remained stable at 0.9 ppt, classifying it as slightly brackish. The water table in coastal freshwater marsh vegetation was observed at a depth of 7.5 inches at Pond 3a, and 9.5 inches at Pond 3b. A high water table was not observed in freshwater seasonal wetland vegetation at Pond 3a; however, saturation was observed as a depth of 8 inches. The successful establishment of perennial marsh and willow riparian vegetation since the publication of the CVCMP, high water table within coastal freshwater marsh and freshwater seasonal wetland vegetation, and the presence of open water several months after the conclusion of the wet season all indicate that the hydrology of Ponds 3a and 3b rely on groundwater; therefore, Ponds 3a and 3b should be considered groundwater-dependent ecosystems despite apparent freshwater inputs from runoff. Perennial marsh species that dominate coastal freshwater marsh, such as tule, chairmaker's bulrush, and spike rush, and arroyo willow are reliant on a source of year-round water and could be negatively impacted by activities that affect the groundwater table associated with Pond 3.

Pond 4

Pond 4 contained open water, with less than 5 percent vegetative cover, at the time of the June 2020 site visit (Figure 5-4). Open water at Pond 4 is surrounded by a fringe of coastal saltwater marsh, within roughly the same footprint described in the CVCMP, dominated by alkali heath and pickleweed with stands of dense Brewer's rush.

In general, aquatic vegetation associated with Pond 4 was in good condition at the time of the June 2020 site visit, although monotypic iceplant mats in upland areas are beginning to encroach upon coastal saltwater marsh vegetation. Pond 4 appears to receive minimal urban runoff from surrounding areas, with the exception of a culvert observed at the northern end of the pond. Salinity measurements at Pond 4 ranged from 26 to 30.5 ppm, classifying it as strongly brackish. The water table was observed in coastal saltwater marsh vegetation at a depth of 8 inches. The presence of a high water table within coastal saltwater marsh vegetation, and the presence of open water several months after the conclusion of the wet season, indicate that the hydrology of Pond 4 relies on groundwater; therefore, Pond 4 should be considered a groundwater-dependent

ecosystem. Perennial marsh species that dominate coastal saltwater marsh, such as pickleweed, are reliant on a source of year-round water and could be negatively impacted by activities that affect the groundwater table associated with Pond 4.

Pond 5

Pond 5 contains coastal saltwater marsh in roughly the same footprint and with similar species composition as described in the CVCMP (Figure 5-5). Only the lowest portion of the pond contains dense halophytic vegetation, dominated by alkali heath, pickleweed, and saltmarsh bulrush, while the fringe of the feature is dominated by a near monotypic stand of Brewer's rush, interspersed with scattered alkali heath, silver weed cinquefoil, and California blackberry. Within some areas to the north that appear to be receiving increased freshwater runoff, freshwater herbs and graminoids, such as tall cyperus, curly dock, and spike rush, are beginning to co-dominate with halophytic species.

Aquatic vegetation associated with Pond 5 was in good condition at the time of the June 2020 site visit. A culvert located at the southern end of Pond 5 appears to convey significant seasonal flows to the pond, as evidenced by a wrack line and dense dried algal matting emanating from the culvert into coastal saltwater marsh vegetation. Water appears to flow and pond at the lowest point of the feature, located in the northern portion of the pond, where dense halophytic vegetation occurs. The water table was observed at a depth of 13.5 inches at this portion of Pond 5; groundwater sampled from this soil pit had a salinity of 4.4 ppt, classifying it as brackish. Although Pond 5 appears to receive significant input from culvert runoff, the presence of a high water table several months after the conclusion of the wet season indicates that the hydrology of Pond 5 relies on groundwater to some extent; therefore, Pond 5 should be considered a groundwater-dependent ecosystem. Perennial marsh species that dominate coastal saltwater marsh, such as pickleweed and spike rush, are reliant on a source of year-round water and could be negatively impacted by activities that affect the groundwater table associated with Pond 5. However, seasonal flows from the culvert to the south of the feature may offset any effects of a drawdown of groundwater.

Pond 7

Pond 7 contained open water, with less than 5 percent vegetative cover, at the time of the June 2020 site visit (Figure 5-1). Open water at Pond 7 is surrounded by coastal freshwater marsh vegetation, dominated by tule and cattail in the interior; and chairmaker's bulrush, curly dock, tall cyperus, and dotted smartweed along the outer fringes. Two small pockets of newly-observed freshwater seasonal wetland, dominated by curly dock and annual beard grass, were observed in the northern and southern portions of the pond, apparently sustained by culvert runoff.

Aquatic vegetation at Pond 7 was generally in good condition at the time of the June 2020 site visit, although large swaths of tule and cattails were beginning to die off along the edges of the western and southern sides of the pond. Areas with perennial freshwater marsh vegetation die off appear to still have perennial wetland hydrology, as indicated by standing water at the time of the June 2020 site visits, so the die off is likely due to causes other than changes in groundwater (though no additional water quality samples were collected). Upland vegetation adjacent to marsh vegetation die offs also appear to have died off during the 2020 growing season. Furthermore, healthy tule and broadleaf cattail vegetation appears to have been recently driven over with a motorized vehicle in small portions coastal saltwater marsh.

Salinity measurements at Pond 7 remained stable at 0.3 ppt, indicating that it is a freshwater pond. Urban runoff from culverts appears to contribute to the hydrology of Pond 7 (Figure 5-1).

Within the coastal freshwater marsh habitat, the water table was observed at a depth of 12 inches. The presence of a high water table within coastal freshwater marsh vegetation, along with the presence of open water several months after the conclusion of the wet season, indicates that the hydrology of Pond 7 relies on groundwater; therefore, Pond 7 should be considered a groundwater-dependent ecosystem despite apparent freshwater inputs from culvert runoff. Perennial marsh species that dominate coastal freshwater marsh, such as tule, cattail, and chairmaker's bulrush, are reliant on a source of year-round water and could be negatively impacted by activities that affect the groundwater table associated with Pond 7.

4.2 Special-Status Species

A list of plant and wildlife species observed during the June 2020 site visits is included in Appendix B. A list of special-status species documented to occur in the vicinity of the Study Area is included in Appendix C.

4.2.1 Plants

Based upon a review of the resources and databases given in Section 3.2.1, 74 special-status plant species have been documented in the vicinity of the Study Area (Appendix C). Figure 3 depicts special-status species documented in the CNDDDB within a 5-mile radius of the Study Area. The Study Area is unlikely or has no potential to support 42 of these species for the following reasons:

- Hydrologic conditions (e.g., vernal pool, riverine) necessary to support the special-status plant species are not present in the Study Area;
- Edaphic (soil) conditions (e.g., serpentine, clay) necessary to support the special-status plant species are not present in the Study Area;
- Associated vegetation communities (e.g., north coast coniferous forest, closed cone coniferous forest) necessary to support the special-status plant species are not present in the Study Area;
- The Study Area is outside the known elevation range of the special-status plant species, which typically occurs further inland; and
- Historic occurrences of the special-status species are presumed to be extirpated from the vicinity due to habitat conversion and disturbance.

Of the remaining 32 special-status plant species, 19 were identified as having potential to occur within the Study Area in 1994 (The Habitat Group); one of the species identified in 1994 (large-flowered linanthus, *Linanthus grandiflorus*), is no longer considered special-status. The remaining 33 special-status plant species with potential to occur within the Project Area have either been listed as special-status, or have new occurrences documented in the vicinity of the Study Area, since 1994.

All but two special-status plant species, South Coast branching phacelia (*Phacelia ramosissima* var. *austrolitoralis*) and saline clover (*Trifolium hydrophilum*) are solely associated with coastal dune and coastal dune scrub habitat found in upland areas surrounding Ponds 1, 3, 4, and 5. As the quality of coastal dune within the Study Area with the potential to support special-status plant species is relatively unchanged since 1994, all 32 special-status plant species still have potential to occur within the Study Area. These special-status plant species, and their potential to occur within the Study Area, are summarized in Table 6. Six of these special-status plant species, which have been observed in the vicinity of the Study Area, are described in greater detail below.

Table 6. Special-Status Plant Species with Potential to Occur within the Study Area

Scientific Name	Common Name	Status	Potential Habitat	Potential for Occurrence
<i>Allium hickmanii</i>	Hickman's onion	Rank 1B.2	Coastal dune scrub	Moderate
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>	Hooker's manzanita	Rank 1B.2	Coastal dune scrub	Moderate
<i>Arctostaphylos pajaroensis</i>	Pajaro manzanita	Rank 1B.1	Coastal dune scrub	Moderate
<i>Arctostaphylos pumila</i>	sandmat manzanita	Rank 1B.2	Coastal dune scrub	High
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	ocean bluff milk-vetch	Rank 4.2	Coastal dune scrub	Moderate
<i>Astragalus tener</i> var. <i>titi</i>	coastal dunes milk-vetch	Federal Endangered, State Endangered, Rank 1B.1	Coastal dune scrub	Moderate
<i>Castilleja ambigua</i> var. <i>insalutata</i>	pink Johnny-nip	Rank 1B.1	Coastal dune scrub	Moderate
<i>Castilleja latifolia</i>	Monterey Coast paintbrush	Rank 4.3	Coastal dune scrub	High
<i>Ceanothus rigidus</i>	Monterey ceanothus	Rank 4.2	Coastal dune scrub	Present
<i>Chorizanthe minutiflora</i>	Fort Ord spineflower	Rank 1B.2	Coastal dune scrub	Moderate
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	Federal Threatened, Rank 1B.2	Coastal dune scrub	Present
<i>Chorizanthe robusta</i> var. <i>robusta</i>	robust spineflower	Federal Endangered, Rank 1B.1	Coastal dune scrub	High
<i>Clarkia lewisii</i>	Lewis' clarkia	Rank 4.3	Coastal dune scrub	Moderate
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	seaside bird's-beak	State Endangered, Rank 1B.1	Coastal dune scrub	Moderate
<i>Corethrogyne leucophylla</i>	branching beach aster	Rank 3.2	Coastal dune scrub	Present

Scientific Name	Common Name	Status	Potential Habitat	Potential for Occurrence
<i>Delphinium hutchinsoniae</i>	Hutchinson's larkspur	Rank 1B.2	Coastal dune scrub	Moderate
<i>Eriastrum virgatum</i>	virgate eriastrum	Rank 4.3	Coastal dune scrub	Moderate
<i>Ericameria fasciculata</i>	Eastwood's goldenbush	Rank 1B.1	Coastal dune scrub	Moderate
<i>Erysimum ammophilum</i>	sand-loving wallflower	Rank 1B.2	Coastal dune scrub	Present
<i>Erysimum menziesii</i>	Menzies' wallflower	Federal Endangered, State Endangered, Rank 1B.1	Coastal dune scrub	Moderate
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	Monterey gilia	Federal Endangered, State Threatened, Rank 1B.2	Coastal dune scrub	Present
<i>Horkelia cuneata</i> var. <i>sericea</i>	Kellogg's horkelia	Rank 1B.1	Coastal dune scrub	High
<i>Horkelia marinensis</i>	Point Reyes horkelia	Rank 1B.2	Coastal dune scrub	Moderate
<i>Layia carnosa</i>	beach layia	Federal Endangered, State Endangered, Rank 1B.1	Coastal dune scrub	Moderate
<i>Lupinus tidestromii</i>	Tidestrom's lupine	Federal Endangered, State Endangered, Rank 1B.1	Coastal dune scrub	Moderate
<i>Meconella oregana</i>	Oregon meconella	Rank 1B.1	Coastal dune scrub	Moderate
<i>Mondardella sinuata</i> ssp. <i>nigrescens</i>	northern curly-leaved monardella	Rank 1B.2	Coastal dune scrub	Moderate
<i>Phacelia ramosissima</i> var. <i>austrolitoralis</i>	south coast branching phacelia	Rank 3.2	Coastal dune scrub, coastal saltwater marsh	Present*

Scientific Name	Common Name	Status	Potential Habitat	Potential for Occurrence
<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>	Choris' popcornflower	Rank 1B.2	Coastal dune scrub	Moderate
<i>Plagiobothrys chorisianus</i> var. <i>hickmanii</i>	Hickman's popcornflower	Rank 4.2	Coastal dune scrub	Moderate
<i>Stebbinsoseris decipiens</i>	Santa Cruz microseris	Rank 1B.2	Coastal dune scrub	High
<i>Trifolium hydrophilum</i>	saline clover	Rank 1B.2	Coastal freshwater marsh	Moderate

*Assumed present but may require verification from a botanist with taxonomic expertise; see discussion below.

Monterey ceanothus (*Ceanothus rigidus*). Rank 4.2. Present (Pond 7). Monterey ceanothus is an evergreen shrub in the buckhorn family (Rhamnaceae) that blooms from February to June, but is typically identifiable by vegetative structures throughout the year. It typically occurs on sand dunes, coastal strand, and sandy bluff habitats at elevations ranging from 0 to 605 feet (CDFW 2020a, CNPS 2020a). Monterey ceanothus was observed in coastal dune scrub in 2014 (The Habitat Group). This species was not observed during the June 2020 site visit; however, this site visit focused primarily on aquatic habitat. Since coastal dune scrub habitat that could support this species is still present and of similar quality, this species should still be considered present at Ponds 1 and 7, with high potential to occur at Ponds 4 and 5, and moderate potential to occur at Pond 3, in coastal dune scrub habitat.

Monterey spineflower (*Chorizanthe pungens* var. *pungens*). Federal Threatened, Rank 1B.2. Present (Ponds 4, 5). Monterey spineflower is an annual forb in the buckwheat family (Polygonaceae) that blooms from April to August. It typically occurs on sandy terraces and bluffs or in loose sand at elevations ranging from 5 to 985 feet (CDFW 2020a, CNPS 2020a). Monterey spineflower was observed at Ponds 4 and 5 in 1994 (The Habitat Group), and at Pond 4 during the June 9, 2020 site visit. Positively identified Monterey spineflower at Pond 4 in June 2020 had already senesced, and therefore could also have been present but not identified at Pond 5. This species should be considered present at Ponds 4 and 5, with moderate potential to occur at Ponds 1, 3 and 7 in coastal dune scrub habitat.

Branching beach aster (*Corethrogyne leucophylla*). Rank 3.2. Present (Ponds 4, 5). Branching beach aster is a perennial herb in the sunflower family (Asteraceae) that blooms May, July through October, and December. It typically occurs in closed-cone coniferous forest and coastal dunes at elevations ranging from 5 to 195 feet (CNPS 2020a). Branching beach aster was observed at Ponds 4 and 5 in 1994 (The Habitat Group), but was not observed during the June 2020 site visits. However, these site visits occurred outside the bloom period for this species, which may have been present but not identifiable. Branching beach aster should be considered present at Ponds 4 and 5, with moderate potential to occur at Ponds 1, 3, and 7 in coastal dune scrub habitat.

Sand-loving wallflower (*Erysimum ammophilum*). Rank 1B.2. Present (Ponds 4, 5). Sand-loving wallflower is a perennial herb in the mustard family (Brassicaceae) that blooms from February to June. It typically occurs in maritime chaparral, coastal dunes, and coastal scrub habitat in sandy openings at elevations ranging from 0 to 195 feet (CDFW 2020a, CNPS 2020a). Sand-loving wallflower was observed at Ponds 4 and 5 in 1994 (The Habitat Group), but was not

observed during the June 2020 site visits. However, these site visits occurred at the end of the bloom period for this species, which may have been present but not identifiable. Sand-loving wallflower should be considered present at Ponds 4 and 5, with moderate potential to occur at Ponds 1, 3 and 7 in coastal dune scrub habitat.

Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*). **Federal Endangered, State Threatened, Rank 1B.2. Present (Pond 5).** Monterey gilia is an annual forb in the phlox family (Polemoniaceae) that blooms from April to June. It typically occurs in maritime chaparral, cismontane woodland, coastal dunes, and coastal scrub habitat in sandy openings in bare wind-sheltered areas, at elevations ranging from 0 to 260 feet (CDFW 2020a, CNPS 2020a). Monterey gilia was observed at Ponds 4 and 5 in 1994 (The Habitat Group), but was not observed during the June 2020 site visits. However, these site visits occurred at the end of the bloom period for this species, which may have been present but not identifiable. Monterey gilia should be considered present at Pond 5, with high potential to occur at Pond 4 and moderate potential to occur at Ponds 1, 3 and 7, in coastal dune scrub habitat.

South Coast branching phacelia (*Phacelia ramosissima* var. *australitoralis*). **Rank 3.2. Assumed Present (Pond 4).** South coast branching phacelia is a perennial herb in the forget-me-not family (Boraginaceae) that blooms March through August. It typically occurs at sandy, sometimes rocky sites in chaparral, coastal dune, coastal scrub, and coastal saltwater marsh habitat at elevations ranging from 15 to 985 feet. This variety is not currently recognized by the Jepson eFlora (2020), but has been designated as rare by the CNPS. Furthermore, characters distinguishing between varieties of *P. ramosissima* do not work most of the time (CNPS 2020a), and South Coast branching phacelia may require positive identification from a botanist with localized and/or taxonomic expertise. *P. ramosissima* was observed at Ponds 4 and 5 in 1994 (The Habitat Group), prior to the inclusion of South Coast branching phacelia in the CNPS Inventory. *P. ramosissima* was also observed during the June 2020 site visit at Pond 4, and high quality suitable habitat for the species was also observed at Pond 5. Therefore, South Coast branching phacelia should be assumed present at Ponds 4 and 5, with high potential to occur in coastal dune scrub and coastal saltwater marsh habitat associated with Ponds 2, 3, and 7.

4.2.2 Wildlife

Forty-three (43) special-status wildlife species have been documented in the CNDDDB within the Marina, Monterey, Moss Landing, Prunedale, Salinas, Seaside, and Spreckels U.S. Geological Survey 7.5-minute quadrangle maps (Figure 4). Of these documented species, 12 have potential to be present based on the habitat within each of the ponds. The table below identifies which species have potential to occur in each of the surveyed ponds. In addition, special-status bird species not listed in CNDDDB have a moderate potential to occur in the area. No special-status species were directly observed within the Study Area during the site assessment, but those with potential to occur are discussed below.

Table 7. Special-Status Wildlife Species with Potential to Occur within the Study Area

Pond	Special Status Wildlife Species With Potential to Occur
1	Loggerhead Shrike, Monterey Ornate Shrew, Smith's Blue Butterfly California Legless Lizard, Coast Horned Lizard

Pond	Special Status Wildlife Species With Potential to Occur
2	California Red-Legged Frog, Smith's Blue Butterfly, California Legless Lizard, Western Pond Turtle, Peregrine Falcon, Loggerhead Shrike, Yellow Warbler, Tricolored Blackbird, Nuttall's Woodpecker
3a	Peregrine Falcon, Tricolored Blackbird, Western Pond Turtle, Loggerhead Shrike, Monterey Ornate Shrew, Yellow Warbler
3b	Peregrine Falcon, Western Pond Turtle, Loggerhead Shrike, Monterey Ornate Shrew, Yellow Warbler
4	Smith's Blue Butterfly, California Legless Lizard, Coast Horned Lizard, Peregrine Falcon, Loggerhead Shrike, Monterey Ornate Shrew
5	Smith's Blue Butterfly, Western Spadefoot Toad, Coast Horned Lizard, Peregrine Falcon, Loggerhead Shrike, California Legless Lizard
7	Peregrine Falcon, Tricolored Blackbird, Coast Horned Lizard, Loggerhead Shrike

Species with Potential to Occur Within the Study Area

California red-legged frog (*Rana draytonii*), Federal Threatened Species, CDFW Species of Special Concern. The California red-legged frog (CRLF) is dependent on suitable aquatic, estivation, and upland habitat. During periods of wet weather, starting with the first rainfall in late fall, red-legged frogs disperse away from their estivation sites to seek suitable breeding habitat. Aquatic and breeding habitat is characterized by dense, shrubby, riparian vegetation and deep, still or slow-moving water. Breeding occurs between late November and late April. California red-legged frogs estivate (period of inactivity) during the dry months in small mammal burrows, moist leaf litter, incised stream channels, and large cracks in the bottom of dried ponds.

CRLF has potential to occur in Pond 2, due to the availability of still ponded freshwater, dense riparian vegetation including willow and tule stands, and suitable upland habitat along the western edge of Pond 2.

Coast horned lizard (*Phrynosoma blainvillii*), CDFW Species of Special Concern. The coast horned lizard is a medium-sized lizard with a compressed body and short tail. It is solitary and feeds primarily on harvester ants. Activity patterns are strongly influenced by external temperatures and it hibernates during the winter. Suitable habitat for this species is restricted to southern California and northern Baja California, and includes coastal sage scrub, chaparral, grassland, coniferous forest, oak woodland, riparian, and the margins of higher elevation desert

native vegetation. The primary source of food for this species is spiders and insects including termites, small lepidopterans, beetles, and insect larvae (Stebbins 2003).

Legless lizard has potential to occur in Ponds 1, 2, 4, 5 and 7. All ponds contain suitable sandy and loose soils, with areas of leaf litter and other cover.

American peregrine falcon (*Falco peregrinus anatum*); Federal Delisted, State Delisted, CDFW Fully Protected, USFWS Bird of Conservation Concern. This large falcon occurs as a generally uncommon resident as well as a winter visitor and migrant throughout much of California. Occupied habitat (both breeding and non-breeding) is highly variable, but this species is typically associated with open areas and/or bodies of water. Nesting typically occurs on the ledges of steep cliffs, or on man-made structures with ledges above sheer faces such as bridges and the tops of buildings (White et. al 2002). The peregrine falcon preys upon a wide variety of animals, mostly birds; on the Pacific coast, waterbirds (e.g., waterfowl, shorebirds and seabirds) are especially favored (White et. al 2002). This species forages over wide areas, even during the breeding season.

American peregrine falcon has the potential to occur in Ponds 2, 3a, 3b, 4, 5, and 7. Associated manmade structures surrounding these ponds have potential to serve as nesting habitat for this species, and surrounding habitat provide suitable foraging for waterfowl and shorebirds to act as prey for this species.

Smith's Blue Butterfly (*Euphilotes enoptes smithi*) Federal Endangered. This species is most commonly associated with coastal dunes and coastal sage scrub plant communities in Monterey and Santa Cruz counties. The hostplants for this species include both coast and sea cliff buckwheat, which are utilized as both larval and adult host plants.

This species has potential to occur in areas surrounding Ponds 1, 2, 4, and 5. The hostplant for this species was observed on the perimeter of each of these ponds.

Tricolored blackbird (*Agelaius tricolor*); State Candidate (Endangered), CDFW Species of Special Concern, USFWS Bird of Conservation Concern. The tricolored blackbird is a locally common resident in the Central Valley and along coastal California. Most tricolored blackbirds reside in the Central Valley March through August, then moving into the Sacramento-San Joaquin Delta and east to Merced County and coastal locations during winter (Meese et al. 2014). This species breeds adjacent to fresh water, preferring emergent wetlands with tall, dense cattails or tules, thickets of willow or blackberry, and/or tall herbs. Flooded agricultural fields with dense vegetation are also used (Shuford and Gardali 2008). This species is highly colonial; nesting habitat must be large enough to support a minimum of 30 pairs, and colonies are commonly substantially larger (up to thousands of pairs). The tricolored blackbird often intermingles with other blackbird species during the non-breeding season. Individuals typically forage up to 5.6 miles (9 kilometers) from their colonies although in most cases only a small part of the area within this range provides suitable foraging (Hamilton and Meese 2006).

Tricolored blackbird has potential to occur in Ponds 2, 3a, and 7. These ponds contained suitable emergent wetland vegetation, including tall cattails and tules, willow thickets and stands of blackberry.

Western pond turtle (*Actinemys marmorata*), CDFW Species of Special Concern. The western pond turtle (WPT) is the only native freshwater turtle in California. This turtle is uncommon to common in suitable aquatic habitat throughout California, west of the Sierra-

Cascade crest and Transverse Ranges. WPT inhabits annual and perennial aquatic habitats, such as coastal lagoons, lakes, ponds, marshes, rivers, and streams from sea level to 5,500 feet in elevation. Pond turtles also occupies man-made habitats such as stock ponds, wastewater storage, percolation ponds, canals, and reservoirs. This species requires low-flowing or stagnant freshwater aquatic habitat with suitable basking structures, including rocks, logs, algal mats, mud banks, and sand. Warm, shallow, nutrient-rich waters are ideal as they support prey items, which include aquatic invertebrates and occasionally fish, carrion, and vegetation. Turtles require suitable aquatic habitat for most of the year; however, WPT often occupies creeks, rivers, and coastal lagoons that become seasonally unsuitable. To escape periods of high water flow, high salinity, or prolonged dry conditions, WPT may move upstream and/or take refuge in vegetated, upland habitat for up to four months (Rathbun et al. 2002). Although upland habitat is utilized for refuging and nesting, this species preferentially utilizes aquatic and riparian corridors for movement and dispersal.

WPT nests from late April through July. This species requires open, dry upland habitat with friable soils for nesting and prefer to nest on unshaded slopes within 15 to 330 feet of suitable aquatic habitat (Rathbun et al. 1992). Females venture from water for several hours in the late afternoon or evening during the nesting season to excavate a nest, lay eggs, and bury the eggs to incubate and protect them. Nests are well-concealed, though native mammals are occasionally able to locate and predate upon eggs. Hatchlings generally emerge in late fall but may overwinter in the nest and emerge in early spring of the following year.

WPT has potential to occur in Ponds 2, 3a, and 3b. Each of these ponds contained suitable freshwater aquatic habitat and upland nesting habitat.

Western spadefoot (*Spea hammondi*), CDFW Species of Special Concern. The western spadefoot ranges throughout the Central Valley and adjacent foothills. Suitable habitat consists of open areas with sandy or gravelly soils, and includes grassland, scrubland, woodland, washes, and alluvial fans. This species spends most of the year underground in burrows and similar refugia, and often constructs its own burrows. Breeding occurs in shallow, temporary pools formed by heavy winter rains; at least four weeks of continuous inundation are required for successful larval metamorphosis.

Western spadefoot has potential to occur in Pond 5. This pond contained gravelly soils, and did not contain open water at the time of the site visit, indicating that it likely retains water only after winter rains and dries during the summer and fall months, preventing the establishment of predators that would preclude breeding by this species.

(Brewster's) Yellow warbler (*Setophaga petechia brewsteri*), CDFW Species of Special Concern, USFWS Bird of Conservation Concern. The yellow warbler is a neotropical migrant bird that is widespread in North America, but has declined throughout much of its California breeding range. The Brewster's (*brewsteri*) subspecies is a summer resident and represents the vast majority of yellow warblers that breed in California. West of the Central Valley, typical yellow warbler breeding habitat consists of dense riparian vegetation along watercourses, including wet meadows, with willow growth especially being favored (Shuford and Gardali 2008). Insects comprise the majority of the diet.

Yellow warbler has potential to occur in Pond 2, 3a, and 3b. These ponds contained suitable dense riparian vegetation, including stands of willow.

Critical Habitat

There is no designated critical habitat within the Study Area. Western snowy plover critical habitat is located approximately 0.15 miles west of Pond 4, and California red-legged frog critical habitat is located approximately 9 miles south of the Study Area.

5.0 SUMMARY

Sensitive aquatic biological communities associated with the Marina vernal ponds include coastal freshwater marsh, coastal saltwater marsh, willow riparian forest, freshwater seasonal wetland, coastal dune scrub, rose scrub, and open water. Sensitive upland biological communities, associated with the buffers around the ponds, include coastal dune scrub, California blackberry scrub, and rose scrub. Non-sensitive upland biological communities, also associated with the buffers around the ponds, include non-native grassland, non-native vegetation, native landscaping, and coyote brush scrub.

Of the 74 statewide special-status plant species known to occur in the vicinity of the Study Area, six were assumed to be present, and an additional 26 were determined to have high or moderate potential to occur, within the Study Area, primarily in upland coastal dune habitat. Of the 43 special-status wildlife species known to occur in the vicinity of the Study Area, 12 have the potential to occur. In addition, four species not listed in CNDDDB were determined to have a moderate potential to occur. Five of the special-status species with potential to occur are birds which could nest in trees and other vegetation that occurs within the Study Area.

Ponds 2, 3, and 7 now contain pockets of facultative hydrophytic vegetation, not described in the CVCMP, in areas where freshwater runoff from culverts and adjacent paved areas appears to pond against riparian and perennial marsh vegetation. With the exception of increases in the footprint of freshwater seasonal wetland, indicative of urban and road runoff, and riparian willow forest, groundwater-dependent ecosystems within the Study Area remain roughly as described in 1994 (The Habitat Group). The die off of perennial marsh vegetation at Ponds 2 and 7 does not appear to be related to changes in groundwater hydrology.

A high water table was observed at each pond at one or more sample points, and all ponds excluding Ponds 3b and 5 contained open water at the time of the June 2020 site visits, conducted well after the conclusion of the dry season. Willow riparian vegetation, which is dependent upon groundwater, was observed to have either established or increased substantially in footprint at Ponds 1, 2, and 3, and perennial marsh vegetation, which requires a year-round water source, was generally observed to be in good condition at all six ponds. Despite the recent establishment of pockets of freshwater seasonal wetland, all six ponds assessed in this report are reliant upon groundwater and should therefore be considered groundwater-dependent ecosystems. Perennial marsh vegetation and willow riparian vegetation at all six ponds could therefore be adversely affected by future activities that cause groundwater drawdown.

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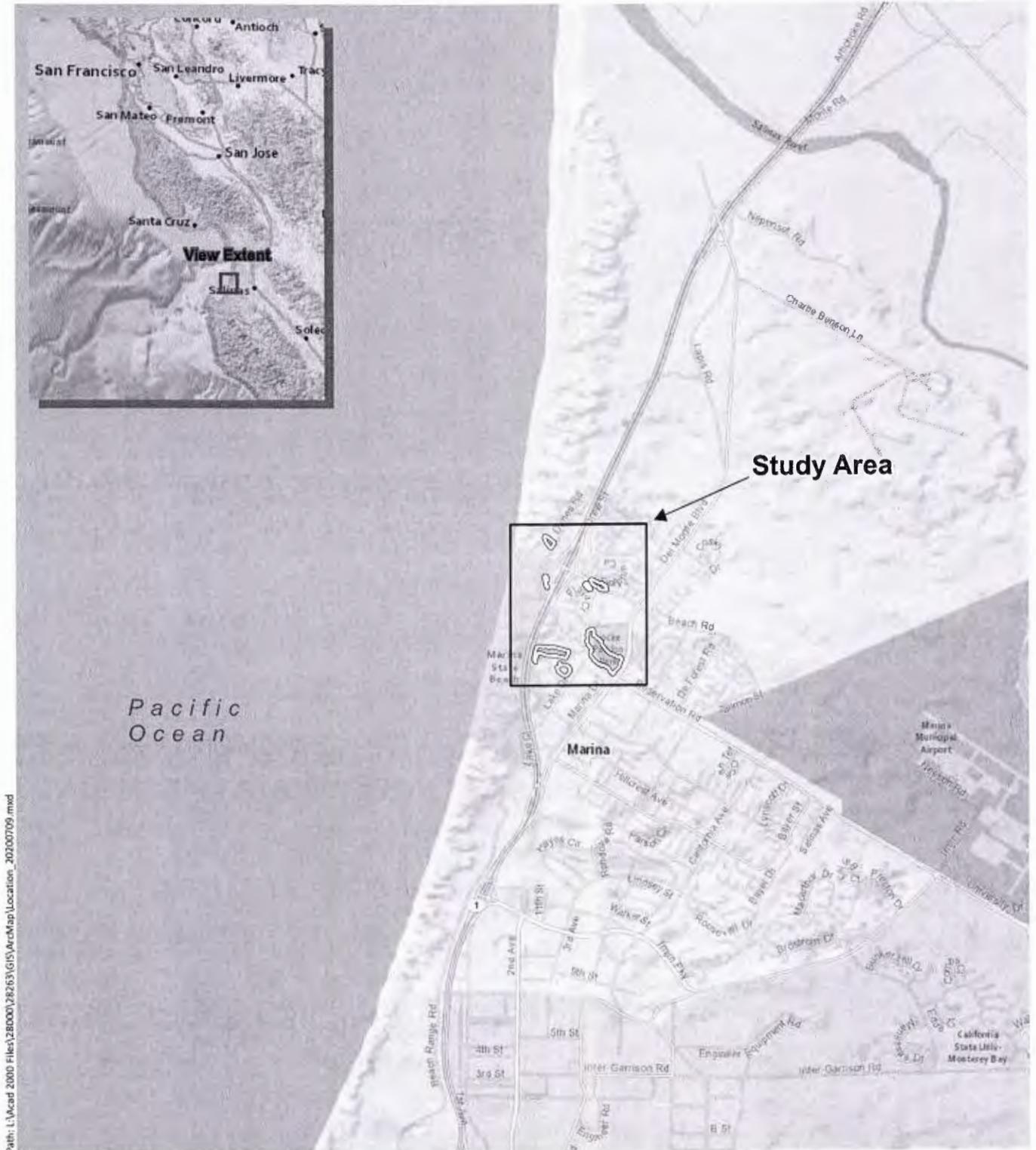
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**Appendix A –
Figures**

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Sources: National Geographic, WRA | Prepared By: mweidenbach, 7/13/2020

Figure 1. Study Area Regional Location Map

Marina Wetland Assessment
Marina, Monterey County, California



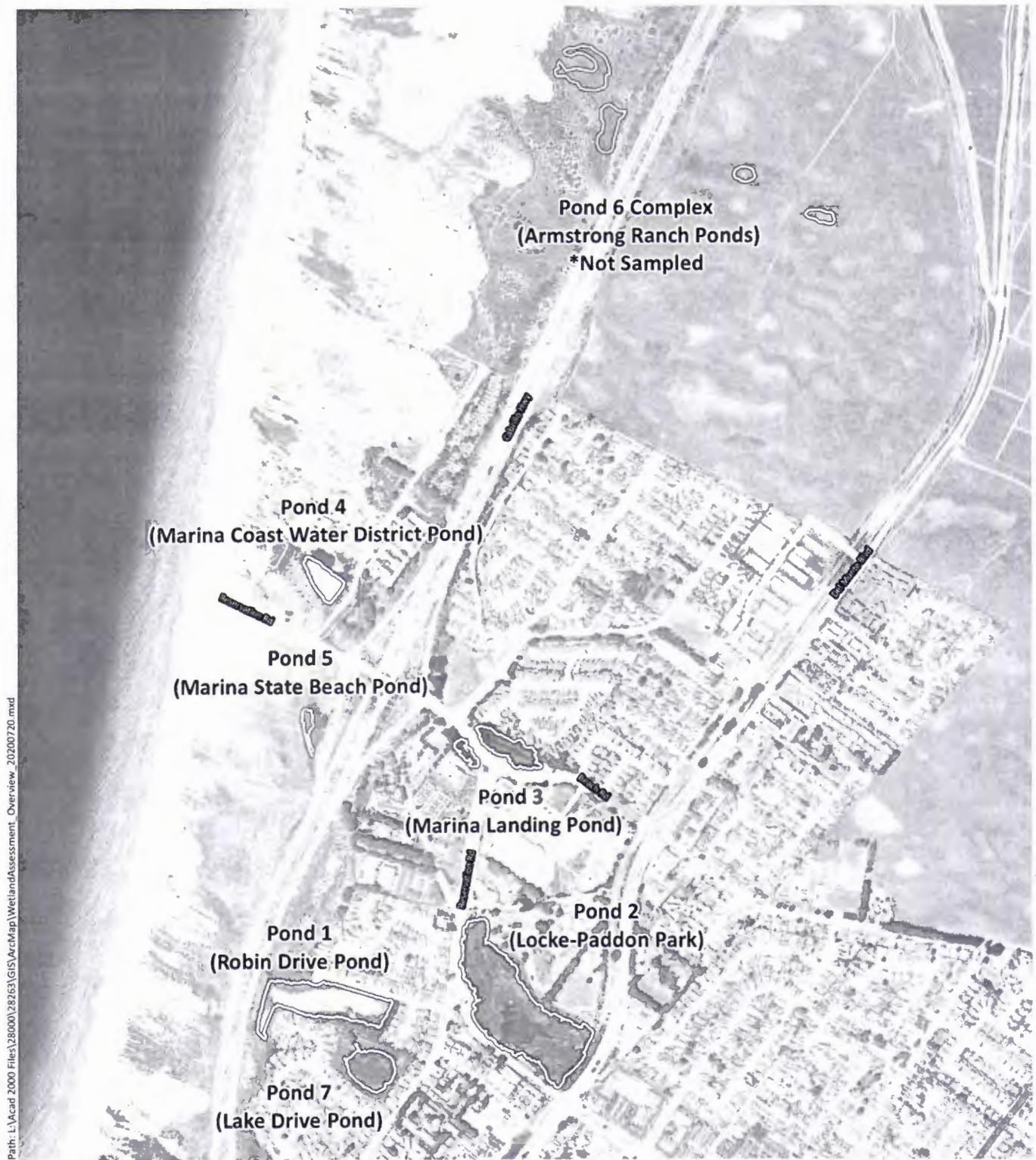


Figure 2. Pond Overview

- | | | | | |
|----------------------------|-----------------------|--------------------------------------|----------------------------|----------------------------|
| 1. Choris' popcornflower | 6. Hickman's onion | 11. Menzies' wallflower | 16. pink Johnny-nip | 21. seaside bird's-beak |
| 2. Congdon's tarplant | 7. Hooker's manzanita | 12. Monterey gilia | 17. Point Reyes horkelia | 22. Toro manzanita |
| 3. Contra Costa goldfields | 8. Kellogg's horkelia | 13. Monterey spineflower | 18. sand-loving wallflower | 23. vernal pool bent grass |
| 4. Eastwood's goldenbush | 9. legenera | 14. northern curly-leaved monardella | 19. sandmat manzanita | 24. Yadon's rein orchid |
| 5. Fort Ord spineflower | 10. marsh microseris | 15. Pajaro manzanita | 20. Santa Cruz clover | |

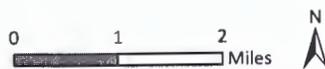


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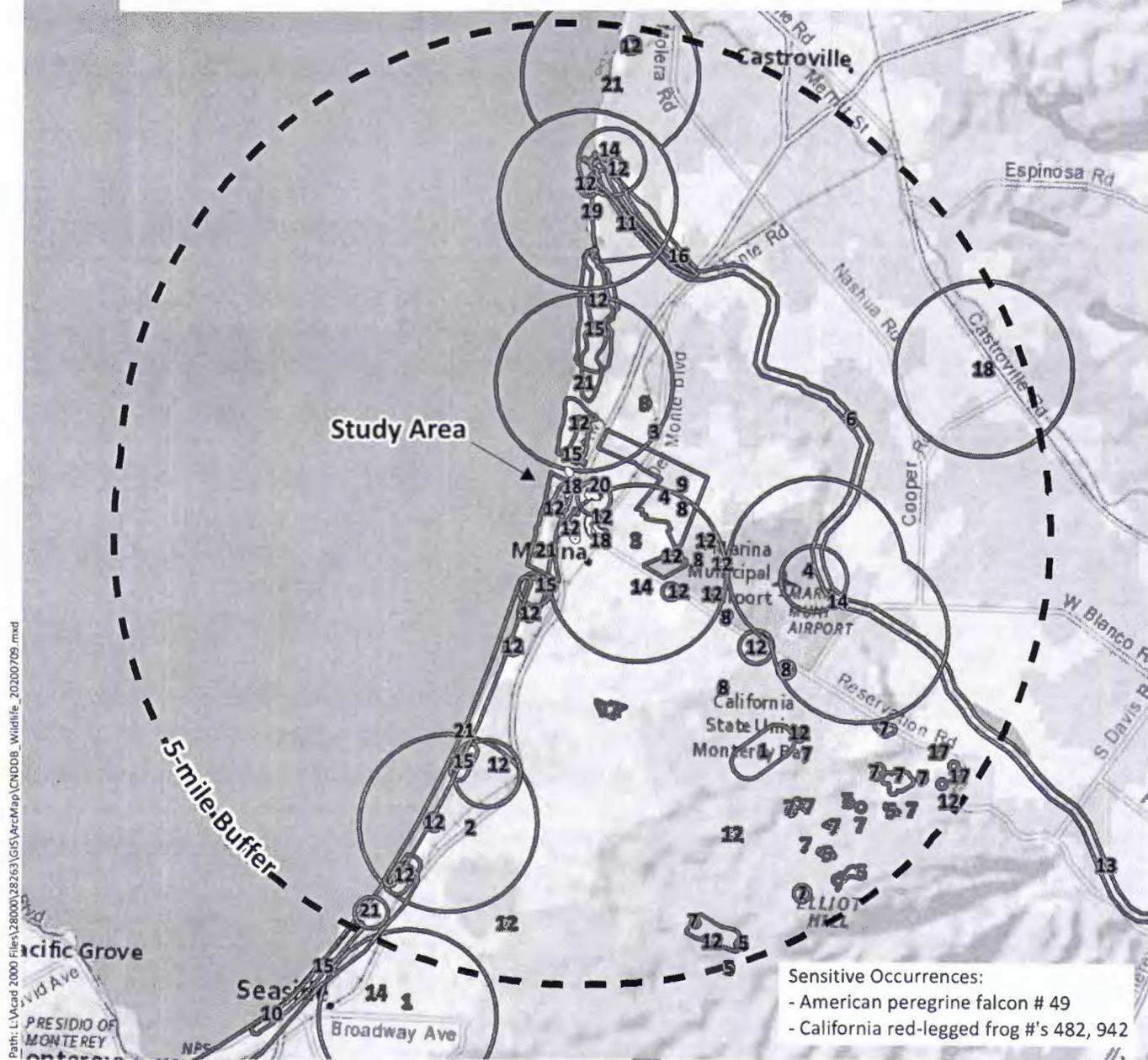
Sources: National Geographic, CNDDB July 2020, WRA | Prepared By: mweidenbach, 7/20/2020

Figure 3. Special-Status Plant Species Documented within 5 Miles of the Study Area

Marina Wetland Assessment
Marina, Monterey County, California



- | | | | |
|-------------------------------|--|------------------------------|--------------------------|
| 1. American badger | 7. California tiger salamander | 13. Pajaro/Salinas hitch | 19. western bumble bee |
| 2. bank swallow | 8. coast horned lizard | 14. Salinas harvest mouse | 20. western pond turtle |
| 3. burrowing owl | 9. ferruginous hawk | 15. Smith's blue butterfly | 21. western snowy plover |
| 4. California horned lark | 10. globose dune beetle | 16. tidewater goby | |
| 5. California linderiella | 11. Monterey shrew | 17. Townsend's big-eared bat | |
| 6. California red-legged frog | 12. northern California legless lizard | 18. tricolored blackbird | |



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Sources: National Geographic, CNDDB July 2020, WRA | Prepared By: mweidenbach, 7/13/2020

Figure 4. Special-Status Wildlife Species Documented within 5 Miles of the Study Area

Marina Wetland Assessment
Marina, Monterey County, California



Wetland Habitat Assessment

Pond 1 (Robin Drive Pond) and Pond 7 (Lake Drive Pond)

Figure 5-1

Marina Wetland Assessment
Marina, Monterey County, California



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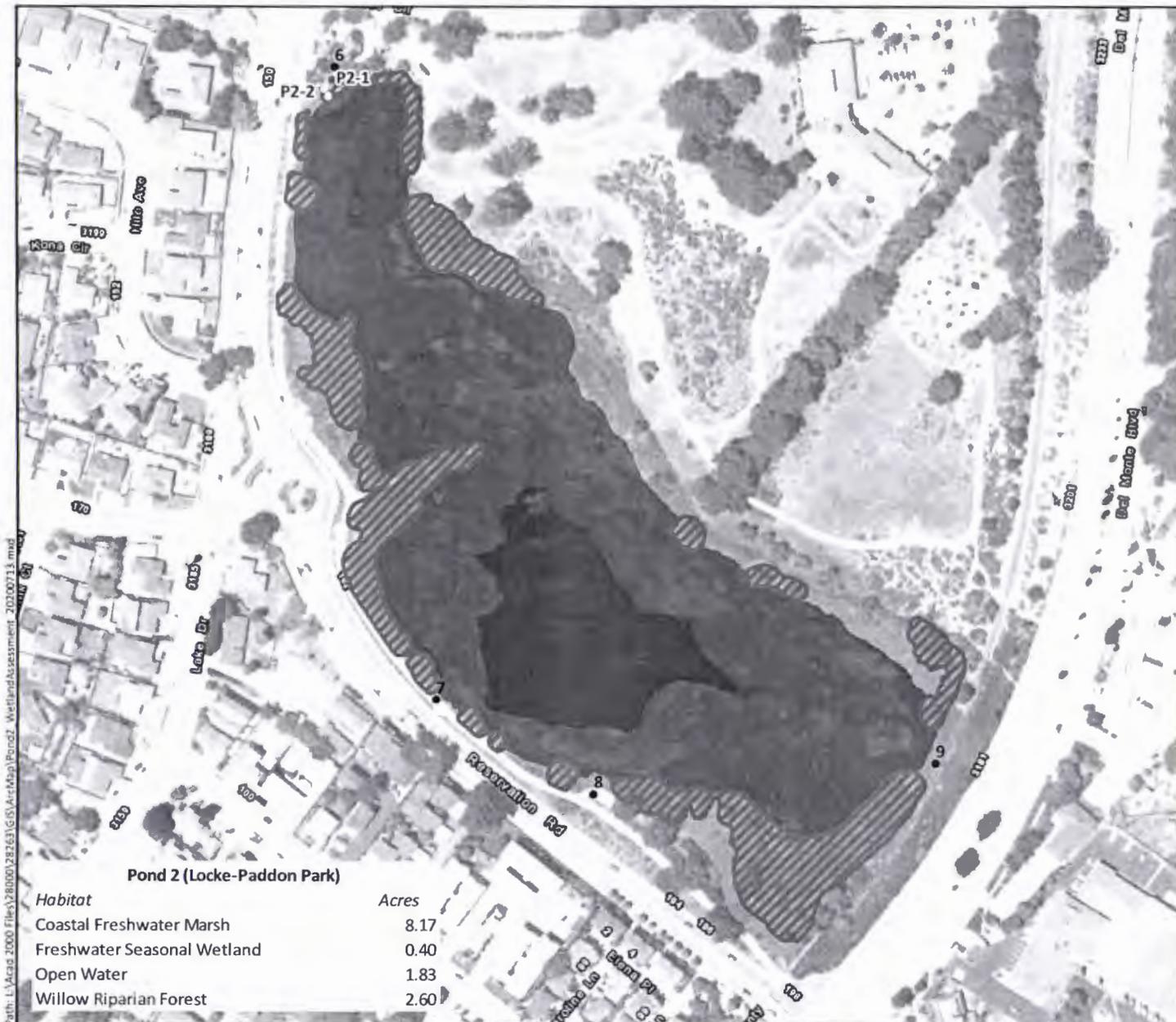
Sources: NAIP 2018 Aerial Imagery, WRA | Prepared By: mweidenbach, 7/20/2020



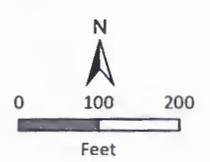
Wetland Habitat Assessment Pond 2 (Locke-Paddon Park)

Figure 5-2

Marina Wetland Assessment
Marina, Monterey County, California



- Soil Sample Point
 - Photo Point
 - Culvert
- Wetlands and Waters**
- Coastal Freshwater Marsh (10.34 acres)
 - Coastal Saltwater Marsh (5.30 acres)
 - Freshwater Seasonal Wetland (0.43 acres)
 - Open Water (4.65 acres)
- Riparian**
- ▨ Willow Riparian Forest (3.88 acres)



Pond 2 (Locke-Paddon Park)

Habitat	Acres
Coastal Freshwater Marsh	8.17
Freshwater Seasonal Wetland	0.40
Open Water	1.83
Willow Riparian Forest	2.60

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Sources: NAIP 2018 Aerial Imagery, WRA | Prepared By: mweidenbach, 7/20/2020



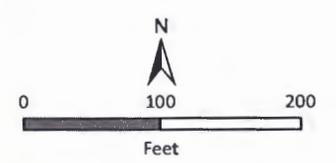
Wetland Habitat Assessment Pond 3 (Marina Landing Pond)

Figure 5-3

Marina Wetland Assessment
Marina, Monterey County, California



- Soil Sample Point
 - Photo Point
 - Culvert
- Wetlands and Waters**
- Coastal Freshwater Marsh (10.34 acres)
 - Coastal Saltwater Marsh (5.30 acres)
 - Freshwater Seasonal Wetland (0.43 acres)
 - Open Water (4.65 acres)
- Riparian**
- ▨ Willow Riparian Forest (3.88 acres)



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Sources: NAIP 2018 Aerial Imagery, WRA | Prepared By: mweidenbach, 7/20/2020

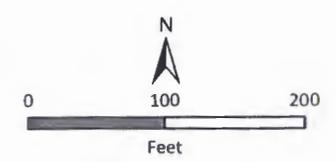
Wetland Habitat Assessment Pond 4 (Marina Coast Water District Pond)

Figure 5-4

Marina Wetland Assessment
Marina, Monterey County, California



- Soil Sample Point
 - Photo Point
 - Culvert
- Wetlands and Waters**
- Coastal Freshwater Marsh (10.34 acres)
 - Coastal Saltwater Marsh (5.30 acres)
 - Freshwater Seasonal Wetland (0.43 acres)
 - Open Water (4.65 acres)
- Riparian**
- ▨ Willow Riparian Forest (3.88 acres)



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Pond 4 (Marina Coast Water District Pond)	
Habitat	Acres
Coastal Saltwater Marsh	0.33
Open Water	1.00

Sources: NAIP 2018 Aerial Imagery, WRA | Prepared By: mweidenbach, 7/20/2020



Wetland Habitat Assessment Pond 5 (Marina State Beach Pond)

Figure 5-5

Marina Wetland Assessment
Marina, Monterey County, California



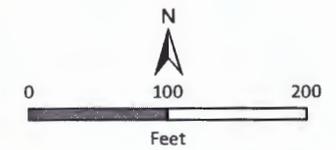
- Soil Sample Point
- Photo Point
- Culvert

Wetlands and Waters

- Coastal Freshwater Marsh (10.34 acres)
- Coastal Saltwater Marsh (5.30 acres)
- Freshwater Seasonal Wetland (0.43 acres)
- Open Water (4.65 acres)

Riparian

- Willow Riparian Forest (3.88 acres)



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Sources: NAIP 2018 Aerial Imagery, WRA | Prepared By: mweidenbach, 7/20/2020

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**Appendix B –
Observed Plant and Wildlife Species within the Study Area**

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Appendix B-1. List of Plant Species Observed within the Study Area. Ponds 1, 3, and 4 were visited on June 9, 2020; Ponds 2, 5, and 7 were visited on June 18, 2020.

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number						
							1	2	3	4	5	7	
<i>Abronia umbellata</i>	Beach sand verbena	native	perennial herb	-	-	-						X	
<i>Acacia</i> sp.	Acacia	non-native	tree	-	-	-			X				
<i>Achillea millefolium</i>	Yarrow	native	perennial herb	-	-	FACU		X		X			
<i>Alisma</i> sp.	Water plantain	-	perennial herb	-	-	-							X
<i>Artemisia californica</i>	Coastal sage brush	native	shrub	-	-	-	X	X		X	X		
<i>Atriplex prostrata</i>	Fat-hen	non-native	annual herb	-	-	FACW	X		X				X
<i>Avena barbata</i>	Slim oat	non-native (invasive)	annual, perennial grass	-	Moderate	-	X	X	X				
<i>Baccharis glutinosa</i>	Salt marsh baccharis	native	perennial herb	-	-	FACW	X	X	X	X			X
<i>Baccharis pilularis</i>	Coyote brush	native	shrub	-	-	-	X	X	X	X	X	X	X
<i>Bolboschoenus maritimus</i> ssp. <i>paludosus</i>	Saltmarsh bulrush	native	perennial grasslike herb	-	-	OBL	X			X	X	X	
<i>Bromus diandrus</i>	Ripgut brome	non-native (invasive)	annual grass	-	Moderate	-	X	X	X	X			X
<i>Bromus hordeaceus</i>	Soft chess	non-native (invasive)	annual grass	-	Limited	FACU			X				
<i>Cardionema ramosissimum</i>	Sand mat	native	perennial herb	-	-	-					X		
<i>Carex barbarae</i>	Valley sedge	native	perennial grasslike herb	-	-	FAC		X					
<i>Carex praegracilis</i>	Field sedge	native	perennial grasslike herb	-	-	FACW	X	X		X			

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number					
							1	2	3	4	5	7
<i>Carpobrotus chilensis</i>	Sea fig	non-native (invasive)	perennial herb	-	Moderate	FACU	X	X	X	X		X
<i>Carpobrotus edulis</i>	Iceplant	non-native (invasive)	perennial herb	-	High	-	X	X	X	X		X
<i>Centaurea melitensis</i>	Tocalote	non-native (invasive)	annual herb	-	Moderate	-		X		X		
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	native	annual herb	FT, Rank 1B.2	-	-				X		
<i>Cirsium vulgare</i>	Bullthistle	non-native (invasive)	perennial herb	-	Moderate	FACU	X	X				X
<i>Conicosia pugioniformis</i>	False ice plant	non-native (invasive)	perennial herb	-	Limited	-				X		
<i>Conium maculatum</i>	Poison hemlock	non-native (invasive)	perennial herb	-	Moderate	FACW		X	X	X		X
<i>Cotula coronopifolia</i>	Brass buttons	non-native (invasive)	perennial herb	-	Limited	OBL						X
<i>Cyperus eragrostis</i>	Tall cyperus	native	perennial grasslike herb	-	-	FACW		X	X		X	X
<i>Delairea odorata</i>	Cape ivy	non-native (invasive)	perennial herb	-	High	-		X	X			
<i>Distichlis spicata</i>	Salt grass	native	perennial grass	-	-	FAC	X	X	X	X	X	
<i>Dudleya caespitosa</i>	Sand lettuce	native	perennial herb	-	-	-				X		
<i>Echium candicans</i>	Pride of madeira	non-native (invasive)	shrub	-	Limited	-		X				
<i>Ehrharta erecta</i>	Upright veldt grass	non-native (invasive)	perennial grass	-	Moderate	-	X		X			
<i>Eleocharis macrostachya</i>	Spike rush	native	perennial grasslike herb	-	-	OBL			X			
<i>Elymus triticoides</i>	Beardless wild rye	native	perennial grass	-	-	FAC	X	X	X			

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number						
							1	2	3	4	5	7	
<i>Epilobium ciliatum</i>	Slender willow herb	native	perennial herb	-	-	FACW	X		X	X			
<i>Ericameria ericoides</i>	Mock heather	native	shrub	-	-	-							
<i>Erigeron canadensis</i>	Canada horseweed	native	annual herb	-	-	FACU		X					
<i>Eriogonum fasciculatum</i>	California buckwheat	native	shrub	-	-	-			X				
<i>Eriogonum latifolium</i>	Coast buckwheat	native	perennial herb	-	-	-				X	X		
<i>Eriogonum parvifolium</i>	Sea cliff buckwheat	native	shrub	-	-	-		X					
<i>Eriophyllum staechadifolium</i>	Lizard tail	native	perennial herb	-	-	-		X		X			
<i>Erodium cicutarium</i>	Red stemmed filaree	non-native (invasive)	annual herb	-	Limited	-				X			
<i>Eschscholzia californica</i>	California poppy	native	annual, perennial herb	-	-	-			X				
<i>Eucalyptus globulus</i>	Blue gum	non-native (invasive)	tree	-	Limited	-				X			
<i>Euphorbia</i> sp.	Spurge	-	-	-	-	-	X						
<i>Euthamia occidentalis</i>	Western goldenrod	native	perennial herb	-	-	FACW		X			X		
<i>Festuca myuros</i>	Rattail sixweeks grass	non-native (invasive)	annual grass	-	Moderate	FACU		X		X			
<i>Festuca perennis</i>	Italian rye grass	non-native (invasive)	annual, perennial grass	-	Moderate	FAC		X	X				
<i>Foeniculum vulgare</i>	Fennel	non-native (invasive)	perennial herb	-	High	-	X	X					
<i>Frangula californica</i>	California coffeeberry	native	shrub	-	-	-			X				
<i>Frankenia salina</i>	Alkali heath	native	perennial herb	-	-	FACW	X	X	X	X	X	X	
<i>Fumaria</i> sp.	Fumitory	-	-	-	-	-							X

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number						
							1	2	3	4	5	7	
<i>Genista monspessulana</i>	French broom	non-native (invasive)	shrub	-	High	-		X					
<i>Geranium dissectum</i>	Wild geranium	non-native (invasive)	annual herb	-	Limited	-							X
<i>Hedera helix</i>	English ivy	non-native (invasive)	vine, shrub	-	High	FACU		X					
<i>Heliotropium curassavicum</i> var. <i>oculatum</i>	Seaside heliotrope	native	perennial herb	-	-	FACU	X					X	
<i>Helminthotheca echioides</i>	Bristly ox-tongue	non-native (invasive)	annual, perennial herb	-	Limited	FAC		X					X
<i>Hesperocyparis macrocarpa</i>	Monterey cypress	native	tree	Rank 1B.2	-	-	X	X	X	X	X	X	X
<i>Heteromeles arbutifolia</i>	Toyon	native	shrub	-	-	-			X				
<i>Heterotheca grandiflora</i>	Telegraph weed	native	annual, perennial herb	-	-	-	X	X	X				
<i>Hirschfeldia incana</i>	Short-podded mustard	non-native (invasive)	perennial herb	-	Moderate	-				X	X		
<i>Holcus lanatus</i>	Common velvetgrass	non-native (invasive)	perennial grass	-	Moderate	FAC		X	X				X
<i>Hordeum marinum</i> ssp. <i>gussoneanum</i>	Mediterranean barley	non-native (invasive)	annual grass	-	Moderate	FAC			X				
<i>Hordeum murinum</i>	Foxtail barley	non-native (invasive)	annual grass	-	Moderate	FACU		X					
<i>Hydrocotyle</i> sp.	Pennywort	-	-	-	-	-							X
<i>Jaumea carnosa</i>	Marsh jaumea	native	perennial herb	-	-	OBL	X	X					
<i>Juncus breweri</i>	Brewer's rush	native	perennial grasslike herb	-	-	FACW	X	X	X	X	X	X	X
<i>Juncus bufonius</i>	Common toad rush	native	annual grasslike herb	-	-	FACW							X

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number					
							1	2	3	4	5	7
<i>Juncus effusus</i>	Common bog rush	native	perennial grasslike herb	-	-	FACW	X	X	X			
<i>Juncus patens</i>	Common rush	native	perennial grasslike herb	-	-	FACW	X					
<i>Juniperus osteosperma</i>	Utah juniper	native	tree, shrub	-	-	-	X					
<i>Lactuca serriola</i>	Prickly lettuce	non-native	annual herb	-	-	FACU			X			
<i>Lobularia maritima</i>	Sweet alyssum	non-native (invasive)	perennial herb	-	Limited	-		X		X		
<i>Lupinus arboreus</i>	Coastal bush lupine	native	shrub	-	-	-		X	X		X	
<i>Lysimachia arvensis</i>	Scarlet pimpernel	non-native	annual herb	-	-	FAC		X				X
<i>Malva parviflora</i>	Cheeseweed	non-native	annual herb	-	-	-			X			
<i>Medicago polymorpha</i>	Bur clover	non-native (invasive)	annual herb	-	Limited	FACU		X	X			X
<i>Melilotus indicus</i>	Annual yellow sweetclover	non-native	annual herb	-	-	FACU		X	X			
<i>Mimulus</i> sp.	-	-	-	-	-	-		X				
<i>Myoporum laetum</i>	Ngaio tree	non-native (invasive)	tree, shrub	-	Moderate	FACU	X		X			
<i>Nasturtium officinale</i>	Watercress	native	perennial herb (aquatic)	-	-	OBL						X
<i>Persicaria punctata</i>	Dotted smartweed	native	perennial herb	-	-	OBL					X	X
<i>Phacelia ramosissima</i>	Branching phacelia	native	perennial herb	-	-	FACU				X		
<i>Phalaris</i> sp.	-	-	-	-	-	-		X				
<i>Pinus radiata</i>	Monterey pine	native	tree	Rank 1B.1	-	-	X					

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number						
							1	2	3	4	5	7	
<i>Plantago coronopus</i>	Cut leaf plantain	non-native	annual herb	-	-	FAC							X
<i>Plantago major</i>	Common plantain	non-native	perennial herb	-	-	FAC		X					X
<i>Plantago lanceolata</i>	Ribwort	non-native (invasive)	perennial herb	-	Limited	FAC		X					
<i>Poa annua</i>	Annual blue grass	non-native	annual grass	-	-	FAC							X
<i>Polygonum aviculare</i>	Prostrate knotweed	non-native	annual, perennial herb	-	-	FAC		X					X
<i>Polypogon monspeliensis</i>	Annual beard grass	non-native (invasive)	annual grass	-	Limited	FACW	X	X	X	X	X	X	X
<i>Portulaca oleracea</i>	Common purslane	non-native	annual herb	-	-	FAC		X					
<i>Potentilla anserina</i>	Silver weed cinquefoil	native	perennial herb	-	-	OBL	X	X	X		X	X	
<i>Pseudognaphalium luteoalbum</i>	Jersey cudweed	non-native	annual herb	-	-	FAC		X		X			X
<i>Quercus agrifolia</i>	Coast live oak	native	tree	-	-	-		X					
<i>Raphanus sativus</i>	Wild radish	non-native (invasive)	annual, biennial herb	-	Limited	-	X	X	X	X			X
<i>Rosa californica</i>	California wild rose	native	shrub	-	-	FAC				X	X		
<i>Rubus armeniacus</i>	Himalayan blackberry	non-native (invasive)	shrub	-	High	FAC				X			
<i>Rubus ursinus</i>	California blackberry	native	vine, shrub	-	-	FAC		X	X	X	X	X	X
<i>Rumex crispus</i>	Curly dock	non-native (invasive)	perennial herb	-	Limited	FAC	X	X	X		X	X	
<i>Salicornia pacifica</i>	Pickleweed	native	perennial herb	-	-	OBL	X			X	X		
<i>Salix babylonica</i>	Weeping willow	non-native	tree	-	-	FAC		X					
<i>Salix laevigata</i>	Red willow	native	tree	-	-	FACW		X					

Scientific Name	Common Name	Origin	Form	Rarity Status ¹	CAL-IPC Status ²	Wetland Status ³	Pond Number						
							1	2	3	4	5	7	
<i>Salix lasiolepis</i>	Arroyo willow	native	tree, shrub	-	-	FACW	X	X	X				X
<i>Sambucus nigra</i> ssp. <i>caerulea</i>	Blue elderberry	native	shrub	-	-	FAC		X					
<i>Schoenoplectus acutus</i> var. <i>occidentalis</i>	Tule	native	perennial grasslike herb	-	-	OBL		X	X				X
<i>Schoenoplectus americanus</i>	Chairmaker's bulrush	native	perennial grasslike herb	-	-	OBL	X	X	X				X
<i>Solanum americanum</i>	White nightshade	native	annual, perennial herb	-	-	FACU						X	
<i>Solanum umbelliferum</i>	Blue witch	native	shrub	-	-	-						X	
<i>Sonchus arvensis</i>	Perennial sow thistle	non-native	perennial herb	-	-	FACU	X	X		X			X
<i>Sonchus oleraceus</i>	Common sow thistle	non-native	annual herb	-	-	UPL		X	X			X	
<i>Stipa miliacea</i> var. <i>miliacea</i>	Smilo grass	non-native (invasive)	perennial grass	-	Limited	-	X						
<i>Tetragonia tetragonoides</i>	New Zealand spinach	non-native (invasive)	-	-	Limited	-		X	X	X			
<i>Toxicodendron diversilobum</i>	Poison oak	native	vine, shrub	-	-	FACU				X			
<i>Typha latifolia</i>	Broadleaf cattail	native	perennial herb (aquatic)	-	-	OBL	X	X					X
<i>Urtica dioica</i>	Stinging nettle	native	perennial herb	-	-	FAC		X	X				X
<i>Vicia sativa</i>	Spring vetch	non-native	annual herb, vine	-	-	FACU			X				

All species identified using the *Jepson Flora Project* (Jepson eFlora 2020); nomenclature follows Jepson eFlora. Sp.: "species", intended to indicate that the observer was confident in the identity of the genus but uncertain which species.

¹Rare Status: The CNPS Inventory of Rare and Endangered Plants (CNPS 2020a)

FE: Federal Endangered

FT: Federal Threatened

SE: State Endangered

ST: State Threatened

SR: State Rare

Rank 1A: Plants presumed extirpated in California and either rare or extinct elsewhere

Rank 1B: Plants rare, threatened, or endangered in California and elsewhere

(*Rank 1B: Rare in native stands only)

Rank 2A: Plants presumed extirpated in California, but more common elsewhere

Rank 2B: Plants rare, threatened, or endangered in California, but more common elsewhere

Rank 3: Plants about which we need more information – a review list

Rank 4: Plants of limited distribution – a watch list

²Invasive Status: California Invasive Plant Inventory (Cal-IPC 2020)

High: Severe ecological impacts; high rates of dispersal and establishment; most are widely distributed ecologically.

Moderate: Substantial and apparent ecological impacts; moderate-high rates of dispersal, establishment dependent on disturbance; limited-moderate distribution ecologically

Limited: Minor or not well documented ecological impacts; low-moderate rate of invasiveness; limited distribution ecologically

Assessed: Assessed by Cal-IPC and determined to not be an existing current threat

³Wetland Status: National List of Plant Species that Occur in Wetlands, Arid West Region (Lichvar et al. 2016)

OBL: Almost always a hydrophyte, rarely in uplands

FACW: Usually a hydrophyte, but occasionally found in uplands

FAC: Commonly either a hydrophyte or non-hydrophyte

FACU: Occasionally a hydrophyte, but usually found in uplands

UPL: Rarely a hydrophyte, almost always in uplands

NL: Rarely a hydrophyte, almost always in uplands

- : No information

**Appendix C –
Special-Special-Status Plant and Wildlife Species Database Search Results for the Study
Area**

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Attachment B-2. List of Wildlife Species Observed within the Study Area. Ponds 1, 3, and 4 were visited on June 9, 2020; Ponds 2, 5, and 7 were visited on June 18, 2020.

Common Name	Scientific Name	Status	Pond Number						
			1	2	3	4	5	7	
Birds									
American crow	<i>Corvus brachyrhynchos</i>	No status	X	X				X	X
Anna's hummingbird	<i>Calypte anna</i>	No status		X					
Barn swallow	<i>Hirundo rustica</i>	No status	X	X	X				
Black-necked stilt	<i>Himantopus mexicanus</i>	No status	X						X
Black phoebe	<i>Sayornis nigricans</i>	No status	X		X	X			X
Bollocks oriole	<i>Icterus bullockii</i>	No status		X					
Brewer's blackbird	<i>Euphagus cyanocephalus</i>	No status		X					
California towhee	<i>Melospiza crissalis</i>	No status		X					
American coot	<i>Fulica americana</i>	No status							X
European starling	<i>Sturnus vulgaris</i>	No status			X	X			
Gull, sp	<i>Larinae sp.</i>	No status	X	X	X	X	X	X	X
House sparrow	<i>Passer domesticus</i>	No status				X			
Killdeer	<i>Charadrius vociferus</i>	No status	X						
Mallard	<i>Anas platyrhynchos</i>	No status	X	X	X				X
Mourning dove	<i>Zenaidura macroura</i>	No status		X	X				
Red-tailed hawk	<i>Buteo jamaicensis</i>	No status			X				
Red-winged blackbird	<i>Agelaius phoeniceus</i>	No status		X	X				
Scrub jay	<i>Aphelocoma californica</i>	No status		X					
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	No status		X					
Wrentit	<i>Chamaea fasciata</i>	BCC							X
Reptiles and Amphibians									
Bullfrog	<i>Lithobates catesbeianus</i>	No status			X				
Coast gartersnake	<i>Thamnophis elegans terrestris</i>	No status	X						
Lizard, sp	<i>Lacertilia, sp.</i>	No status				X			
California tree frog	<i>Pseudacris cadaverina</i>	No status		X					X
Western fence lizard	<i>Sceloporus occidentalis</i>	No status		X		X	X		
Mammals									
Cat	<i>Felis catus</i>	No status		X					
Ground squirrel	<i>Marmotini</i>	No status		X		X			
Jack rabbit	<i>Lepus</i>	No status				X			
Brush rabbit	<i>Sylvilagus bachmani</i>	No status						X	
Raccoon	<i>Procyon lotor</i>	No status	X						
Rat, sp	<i>Rattus</i>	No status				X			

Common Name	Scientific Name	Status	Pond Number					
			1	2	3	4	5	7
Short-tailed weasel	<i>Mustela erminea</i>	No status				X		
Fish								
Mosquito fish	<i>Gambusia affinis</i>	No status		X	X			X
Invertebrates								
Western bumble bee	<i>Bombus occidentalis</i>	SC				X		
Garden snail	<i>Cornu aspersum</i>	No status			X			
Red-swamp crayfish	<i>Procambarus clarkii</i>	No status	X		X			
Shoulderband snail, sp	<i>Helminthoglypta walkeriana</i>	No status				X		
Silver spotted tiger moth	<i>Lophocampa argentata</i>	No status				X		
Spotted cucumber beetle	<i>Diabrotica undecimpunctata</i>	No status				X		
Striped green sweat bee	<i>Agapostemon viriscens</i>	No status				X		
Yellowfaced bumblebee	<i>Bombus vosnesenskii</i>	No status	X					
Key to status codes:								
FC	Federal Candidate for Listing							
FE	Federal Endangered							
BGEPA	Bald and Golden Eagle Protection Act Species							
FT	Federal Threatened							
SC (E/T)	State Candidate for Listing (Endangered/Threatened)							
SE	State Endangered							
SFP	State Fully Protected Animal							
SR	State Rare							
SSC	State Species of Special Concern							
ST	State Threatened							
Rank 1A	CNPS Rank 1A: Plants presumed extinct in California							
Rank 1B	CNPS Rank 1B: Plants rare, threatened or endangered in California and elsewhere							
Rank 2A	CNPS Rank 2A: Plants presumed extirpated in California, but more common elsewhere							
Rank 2B	CNPS Rank 2B: Plants rare, threatened, or endangered in California, but more common elsewhere							
Rank 3	CNPS Rank 3: Plants about which CNPS needs more information (a review list)							
Rank 4	CNPS Rank 4: Plants of limited distribution (a watch list)							
WBWG	Western Bat Working Group High or Medium-high Priority Species							
WL	CDFW Watch List							

Appendix C. Special-status Species Known to Occur in the Project Area Vicinity. List compiled from the California Department of Fish and Wildlife Natural Diversity Database (CDFW 2020a), U.S. Fish and Wildlife Service Information for Planning and Conservation Database (USFWS 2020b), U.S. Fish and Wildlife Service Threatened and Endangered Species Lists, and California Native Plant Society Electronic Inventory of Rare and Endangered Plants (CNPS 2020a) for the Marina, Monterey, Seaside, Spreckels, Salinas, Prunedale, and Moss Landing USGS 7.5' quadrangles.

SCIENTIFIC NAME	COMMON NAME	STATUS*
PLANTS		
<i>Agrostis lacuna-vernalis</i>	vernal pool bent grass	Rank 1B.1
<i>Allium hickmanii</i>	Hickman's onion	Rank 1B.2
<i>Allium howellii</i> var. <i>howellii</i>	Howell's onion	Rank 4.3
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>	Hooker's manzanita	Rank 1B.2
<i>Arctostaphylos montereyensis</i>	Toro manzanita	Rank 1B.2
<i>Arctostaphylos pajaroensis</i>	Pajaro manzanita	Rank 1B.1
<i>Arctostaphylos pumila</i>	sandmat manzanita	Rank 1B.2
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	ocean bluff milk-vetch	Rank 4.2
<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	Rank 1B.2
<i>Astragalus tener</i> var. <i>titi</i>	coastal dunes milk-vetch	FE, SE, Rank 1B.1
<i>Bryoria spiralifera</i>	twisted horsehair lichen	Rank 1B.1
<i>Castilleja ambigua</i> var. <i>insalutata</i>	pink Johnny-nip	Rank 1B.1
<i>Castilleja latifolia</i>	Monterey Coast paintbrush	Rank 4.3
<i>Ceanothus gloriosus</i> var. <i>gloriosus</i>	Point Reyes ceanothus	Rank 4.3
<i>Ceanothus rigidus</i>	Monterey ceanothus	Rank 4.2
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant	Rank 1B.1
<i>Chorizanthe douglasii</i>	Douglas' spineflower	Rank 4.3
<i>Chorizanthe minutiflora</i>	Fort Ord spineflower	Rank 1B.2
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	FT, Rank 1B.2
<i>Chorizanthe robusta</i> var. <i>robusta</i>	robust spineflower	FE, Rank 1B.1
<i>Clarkia jolonensis</i>	Jolon clarkia	Rank 1B.2
<i>Clarkia lewisii</i>	Lewis' clarkia	Rank 4.3

SCIENTIFIC NAME	COMMON NAME	STATUS*
<i>Collinsia multicolor</i>	San Francisco collinsia	Rank 1B.2
<i>Cordylanthus rigidus</i> ssp. <i>littoralis</i>	seaside bird's-beak	SE, Rank 1B.1
<i>Corethrogyne leucophylla</i>	branching beach aster	Rank 3.2
<i>Cryptantha rattanii</i>	Rattan's cryptantha	Rank 4.3
<i>Delphinium californicum</i> ssp. <i>interius</i>	Hospital Canyon larkspur	Rank 1B.2
<i>Delphinium hutchinsoniae</i>	Hutchinson's larkspur	Rank 1B.2
<i>Delphinium umbracolorum</i>	umbrella larkspur	Rank 1B.3
<i>Eriastrum virgatum</i>	virgate eriastrum	Rank 4.3
<i>Ericameria fasciculata</i>	Eastwood's goldenbush	Rank 1B.1
<i>Eriogonum elegans</i>	elegant wild buckwheat	Rank 4.3
<i>Eriogonum nortonii</i>	Pinnacles buckwheat	Rank 1B.3
<i>Erysimum ammophilum</i>	sand-loving wallflower	Rank 1B.2
<i>Erysimum menziesii</i>	Menzies' wallflower	FE, SE, Rank 1B.1
<i>Fritillaria liliacea</i>	fragrant fritillary	Rank 1B.2
<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	Monterey gilia	FE, ST, Rank 1B.2
<i>Grindelia hirsutula</i> var. <i>maritima</i>	San Francisco gumplant	Rank 3.2
<i>Hesperocyparis govenia</i>	Gowen cypress	FT, Rank 1B.2
<i>Hesperocyparis macrocarpa</i>	Monterey cypress	Rank 1B.2**
<i>Holocarpha macradenia</i>	Santa Cruz tarplant	FT, SE, Rank 1B.1
<i>Horkelia cuneata</i> var. <i>sericea</i>	Kellogg's horkelia	Rank 1B.1
<i>Horkelia marinensis</i>	Point Reyes horkelia	Rank 1B.2
<i>Iris longipetala</i>	coast iris	Rank 4.2
<i>Lasthenia conjugens</i>	Contra Costa goldfields	FE, Rank 1B.1
<i>Layia carnosa</i>	beach layia	FE, SE, Rank 1B.1
<i>Legenere limosa</i>	legenere	Rank 1B.1
<i>Lomatium parvifolium</i>	small-leaved lomatium	Rank 4.2

SCIENTIFIC NAME	COMMON NAME	STATUS*
<i>Lupinus tidestromii</i>	Tidestrom's lupine	FE, SE, Rank 1B.1
<i>Malacothamnus palmeri</i> var. <i>involucratus</i>	Carmel Valley bush-mallow	Rank 1B.2
<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Santa Lucia bush-mallow	Rank 1B.2
<i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>	Carmel Valley malacothrix	Rank 1B.2
<i>Meconella oregana</i>	Oregon meconella	Rank 1B.1
<i>Micropus amphibolus</i>	Mt. Diablo cottonweed	Rank 3.2
<i>Microseris paludosa</i>	marsh microseris	Rank 1B.2
<i>Mondardella sinuata</i> ssp. <i>nigrescens</i>	northern curly-leaved monardella	Rank 1B.2
<i>Monolopia gracilens</i>	woodland woollythreads	Rank 1B.2
<i>Ophioglossum californicum</i>	California adder's-tongue	Rank 4.2
<i>Phacelia ramosissima</i> var. <i>austrolitoralis</i>	south coast branching phacelia	Rank 3.2
<i>Pinus radiata</i>	Monterey pine	Rank 1B.1**
<i>Piperia michaelii</i>	Michael's rein orchid	Rank 4.2
<i>Piperia yadonii</i>	Yadon's rein orchid	FE, Rank 1B.1
<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>	Choris' popcornflower	Rank 1B.2
<i>Plagiobothrys chorisianus</i> var. <i>hickmanii</i>	Hickman's popcornflower	Rank 4.2
<i>Potentilla hickmanii</i>	Hickman's cinquefoil	FE, SE, Rank 1B.1
<i>Ramalina thrausta</i>	angel's hair lichen	Rank 2B.1
<i>Ranunculus lobbii</i>	Lobb's aquatic buttercup	Rank 4.2
<i>Rosa pinetorum</i>	pine rose	Rank 1B.2
<i>Sidalcea malachroides</i>	maple-leaved checkerbloom	Rank 4.2
<i>Stebbinsoseris decipiens</i>	Santa Cruz microseris	Rank 1B.2
<i>Trifolium buckwestiorum</i>	Santa Cruz clover	Rank 1B.1
<i>Trifolium hydrophilum</i>	saline clover	Rank 1B.2
<i>Trifolium polyodon</i>	Pacific Grove clover	SR, Rank 1B.1
<i>Trifolium trichocalyx</i>	Monterey clover	FE, SE, Rank 1B.1

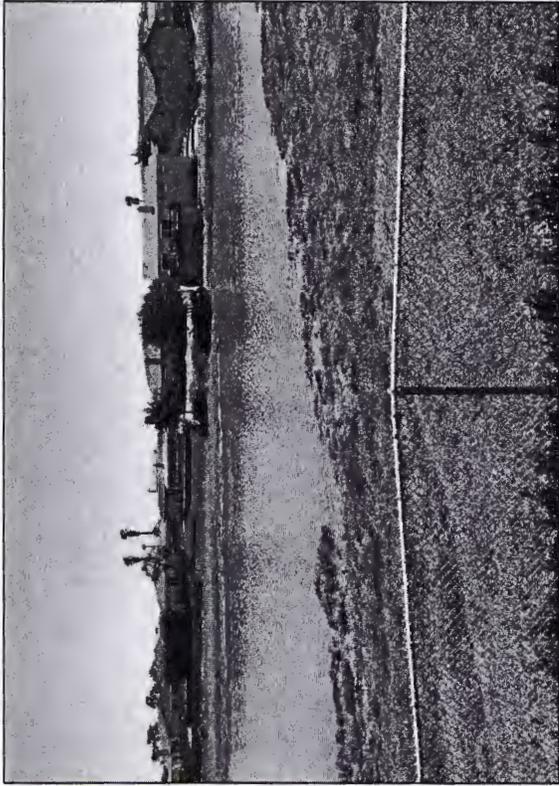
SCIENTIFIC NAME	COMMON NAME	STATUS*
WILDLIFE		
Mammals		
<i>Enhydra lutris nereis</i>	Southern Sea Otter	FT
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC, WBWG High
<i>Eumetopias jubatus</i>	Steller (=northern) sea-lion	MMPA, FD
<i>Lasiurus cinereus</i>	hoary bat	WBWG Medium
<i>Neotoma macrotis luciana</i>	Monterey dusky-footed woodrat	SSC
<i>Sorex ornatus salarius</i>	Monterey shrew	SSC
<i>Taxidea taxus</i>	American badger	SSC
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	WBWG High, SSC
Birds		
<i>Gymnogyps californianus</i>	California Condor	FE
<i>Vireo bellii pusillus</i>	Least Bell's Vireo	FE, SE
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	FT, SE
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	FE, SE
<i>Chamaea fasciata</i>	Wrentit	BCC
<i>Pica nuttalli</i>	Yellow-billed Magpie	BCC
<i>Synthliboramphus scrippsi</i>	Scripps's Murrelet	FT, ST, BCC
<i>Charadrius nivosus nivosus</i>	Western Snowy Plover	FT, SSC, BCC, RP
<i>Agelaius tricolor</i>	tricolored blackbird	ST, SSC, BCC, RP
<i>Asio flammeus</i>	short-eared owl	SSC
<i>Athene cunicularia</i>	burrowing owl	SSC, BCC
<i>Buteo regalis</i>	ferruginous hawk	BCC
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	FT, SSC, BCC, RP
<i>Coturnicops noveboracensis</i>	yellow rail	BCC, SSC
<i>Cypseloides niger</i>	black swift	SSC, BCC

SCIENTIFIC NAME	COMMON NAME	STATUS*
<i>Elanus leucurus</i>	white-tailed kite	CFP
<i>Eremophila alpestris actia</i>	California horned lark	DFG:WL
<i>Falco mexicanus</i>	prairie falcon	BCC
<i>Falco peregrinus anatum</i>	American peregrine falcon	FD, SD, CFP, BCC
<i>Laterallus jamaicensis coturniculus</i>	California black rail	ST, CFP
<i>Pelecanus occidentalis californicus</i>	California brown pelican	FD, SD, CFP
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail	FE, SE, CFP
<i>Riparia riparia</i>	bank swallow	ST
<i>Baeolophus inornatus</i>	Oak Titmouse	BCC
<i>Picoides nuttallii</i>	Nuttall's Woodpecker	BCC
<i>Sterna antillarum</i>	Least Tern	FE, SE, CFP
<i>Carduelis lawrencei</i>	Lawrence's Goldfinch	BCC
<i>Aechmophorus clarkii</i>	Clark's Grebe	BCC
<i>Rynchops niger</i>	Black Skimmer	BCC, SSC
<i>Haematopus bachmani</i>	Black Oystercatcher	BCC
<i>Selasphorus sasin</i>	Allen's Hummingbird	BCC
Reptiles and Amphibians		
<i>Ambystoma californiense</i>	California tiger salamander	FE/FT, ST, RP
<i>Ambystoma macrodactylum croceum</i>	Santa Cruz long-toed salamander	FE, SE, CFP
<i>Rana boylei</i>	foothill yellow-legged frog	SC, SSC
<i>Rana draytonii</i>	California red-legged frog	FT, SSC, RP
<i>Spea hammondi</i>	western spadefoot	SSC
<i>Taricha torosa</i>	Coast Range newt	SSC
<i>Anniella pulchra</i>	northern California legless lizard	SSC, FS sensitive lizard
<i>Emys marmorata</i>	western pond turtle	SSC
<i>Phrynosoma blainvillii</i>	coast horned lizard	SSC

SCIENTIFIC NAME	COMMON NAME	STATUS*
<i>Thamnophis hammondi</i>	two-striped gartersnake	SSC
Fishes		
<i>Eucyclogobius newberryi</i>	tidewater goby	FE, SSC
<i>Lavinia exilicauda harengus</i>	Pajaro/Salinas hitch	SSC
<i>Oncorhynchus mykiss irideus</i> pop. 9	steelhead - south-central California coast DPS	FT
<i>Spirinchus thaleichthys</i>	longfin smelt	FC, ST
Invertebrates		
<i>Branchinecta lynchi</i>	Vernal Pool Fairy Shrimp	FT, SSI, RP
<i>Linderiella occidentalis</i>	California linderiella	SSI
<i>Bombus occidentalis</i>	western bumble bee	SC
<i>Danaus plexippus</i> pop. 1	monarch - California overwintering population	SSI
<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly	FE, SSI
<p>*Key to status codes:</p> <p>FC Federal Candidate for Listing FE Federal Endangered BGEPA Bald and Golden Eagle Protection Act Species FT Federal Threatened SC (E/T) State Candidate for Listing (Endangered/Threatened) SE State Endangered SFP State Fully Protected Animal SR State Rare SSC State Species of Special Concern ST State Threatened Rank 1A CNPS Rank 1A: Plants presumed extinct in California Rank 1B CNPS Rank 1B: Plants rare, threatened or endangered in California and elsewhere Rank 2A CNPS Rank 2A: Plants presumed extirpated in California, but more common elsewhere Rank 2B CNPS Rank 2B: Plants rare, threatened, or endangered in California, but more common elsewhere Rank 3 CNPS Rank 3: Plants about which CNPS needs more information (a review list) Rank 4 CNPS Rank 4: Plants of limited distribution (a watch list) WBWG Western Bat Working Group High or Medium-high Priority Species WL CDFW Watch List</p> <p>**Rare status rank applies to native stands only. All Monterey cypress and Monterey pine observed within the Study Area are planted, and therefore this Rank does not apply.</p>		

**Appendix D –
Representative Photographs of the Study Area**

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Photograph 1. Photopoint 1 at Pond 1, facing south.



Photograph 2. Photopoint 2 at Pond 1, facing east.



Photograph 3. Photopoint 3 at Pond 1, facing north.



Photograph 4. Photopoint 4 at Pond 1, facing north.



Photograph 5. Photopoint 5 at Pond 1, facing west.



Photograph 6. Photopoint 6 at Pond 2, facing south.



Photograph 7. Photopoint 7 at Pond 2, facing east.



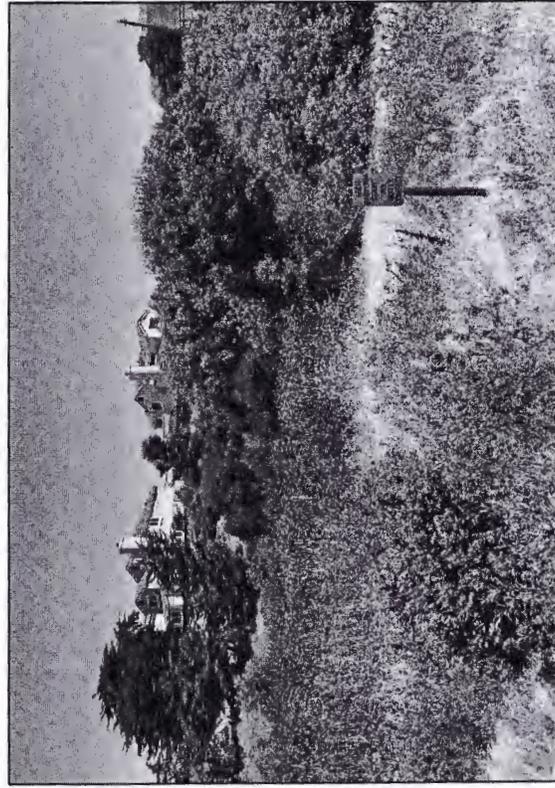
Photograph 8. Photopoint 8 at Pond 2, facing north.



Photograph 9. Photopoint 9 at Pond 2, facing northwest.



Photograph 10. Photopoint 10 at Pond 3a, facing east.



Photograph 11. Photopoint 11 at Pond 3a, facing north.



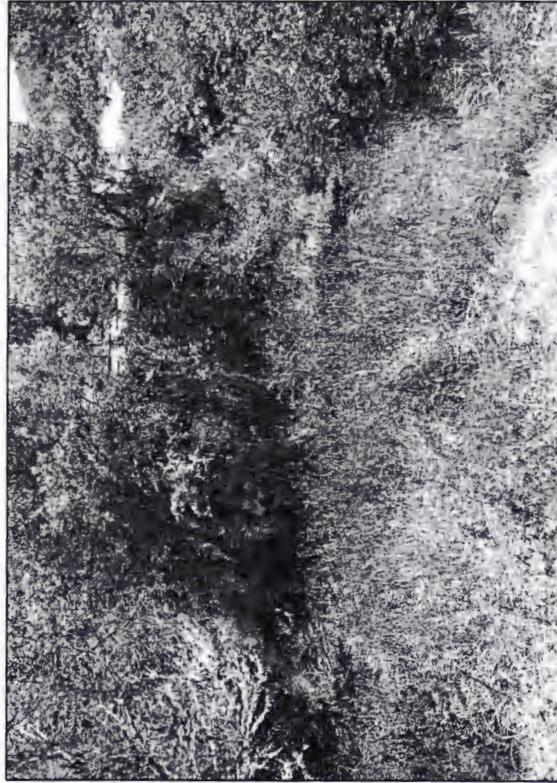
Photograph 12. Photopoint 12 at Pond 3a, facing west.



Photograph 13. Photopoint 13 at Pond 3a, facing south.



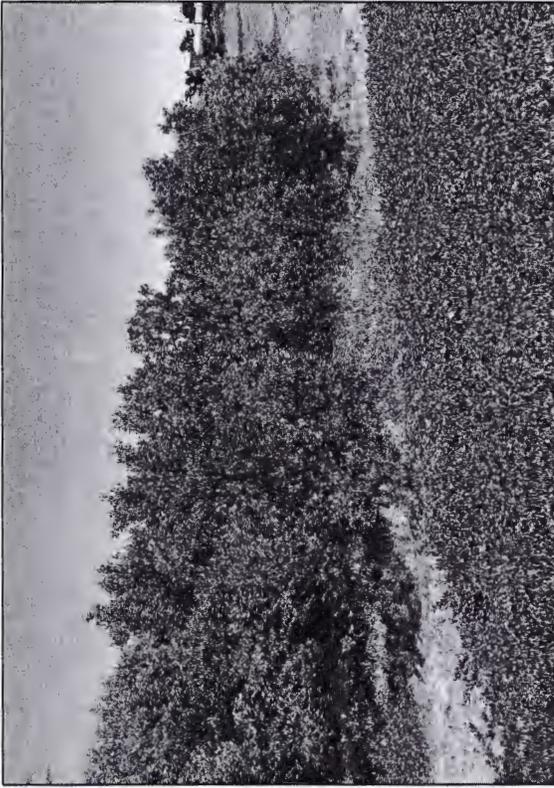
Photograph 14. Photopoint 14 at Pond 3b, facing southwest.



Photograph 15. Photopoint 15 at Pond 3b, facing north.



Photograph 16. Photopoint 16 at Pond 3b, facing northwest.



Photograph 17. Photopoint 17 at Pond 3b, facing east.



Photograph 18. Photopoint 18 at Pond 4, facing southwest.



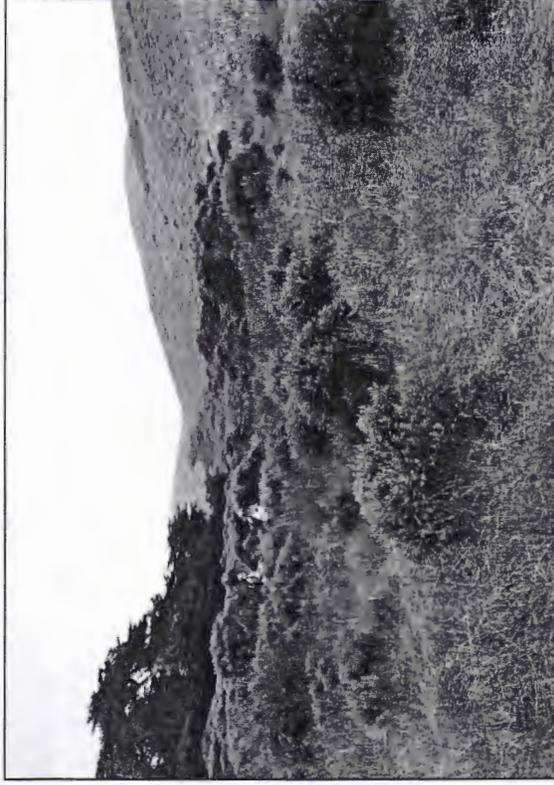
Photograph 19. Photopoint 19 at Pond 4, facing north.



Photograph 20. Photopoint 20 at Pond 4, facing west.



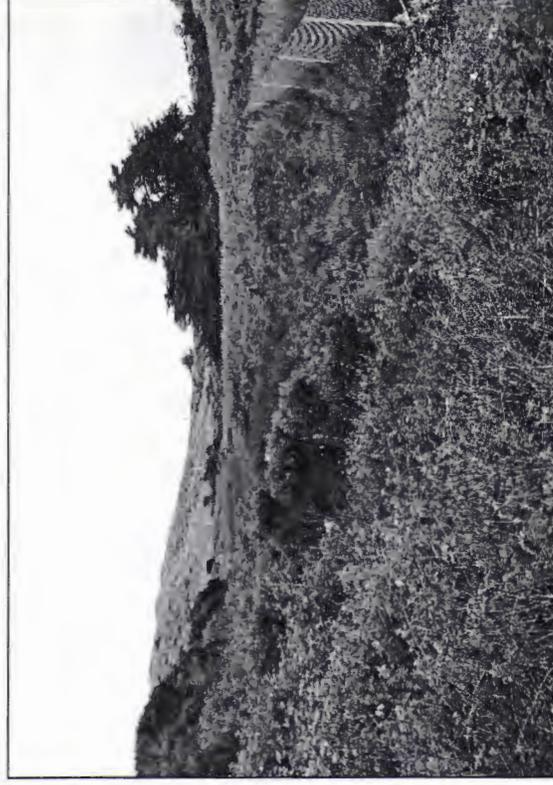
Photograph 21. Photopoint 21 at Pond 4, facing south.



Photograph 22. Photopoint 22 at Pond 5, facing south.



Photograph 23. Photopoint 23 at Pond 5, facing east.



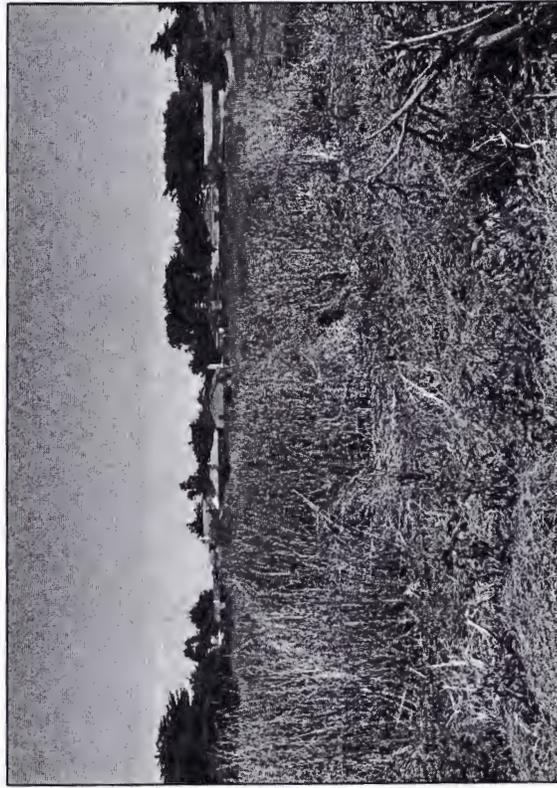
Photograph 24. Photopoint 24 at Pond 5, facing north.



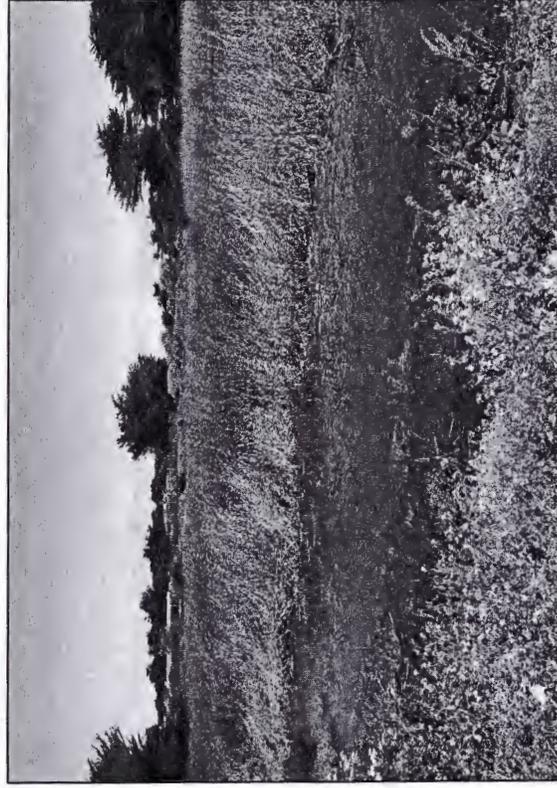
Photograph 25. Photopoint 25 at Pond 5, facing west.



Photograph 26. Photopoint 26 at Pond 7, facing south.



Photograph 27. Photopoint 27 at Pond 7, facing east.



Photograph 28. Photopoint 28 at Pond 7, facing X.



Photograph 29. Photopoint 29 at Pond 7, facing west.

MARINA EXHIBIT 4

**REVIEW OF JULY 10, 2020 REPORT PREPARED BY WEISS ASSOCIATES
REGARDING GROUNDWATER IMPACTS OF THE MONTEREY PENINSULA
WATER SUPPLY PROJECT, MARINA, CALIFORNIA**

PREPARED FOR: Layne Long, City Manager, City of Marina
PREPARED BY: Mike Tietze, PG, CHG, CEG, Stephen Carlton, PG, CHG, and Emily Tozzi, CPSS and Certified Arborist, Formation Environmental, LLC
DATE: August 13, 2020



1. INTRODUCTION AND BACKGROUND

At your request, Formation Environmental, LLC (Formation) has reviewed the report titled *“Independent Evaluation, Modification, and Use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts Associate with the Monterey Peninsula Water Supply Project,”* prepared by Weiss Associates (Weiss) on behalf of the California Marine Sanctuary Foundation and the California Coastal Commission (CCC) and dated July 10, 2020 (Weiss 2020 Report). The site location and the locations of nearby monitoring wells referenced in the text below are shown on Figure 1.

In 2019, the California Coastal Commission engaged Weiss Associates to conduct an independent hydrogeologic review of specified groundwater resource issues in connection with the Coastal Commission’s decision on whether to grant coastal development permits for the Monterey Peninsula Water Supply Project (MPWSP or Project). The Coastal Commission described the scope of work as follows (CCC 2019): *“To reduce the range of uncertainty and to provide an independent assessment of some key areas of concern, Commission staff contracted with a licensed hydrogeologist to evaluate some of the primary studies and to respond to several key questions about them.”* According to the Coastal Commission:

“Other interested parties conducted their own studies or reviewed the above-referenced studies and came to different conclusions about Cal-Am’s expected groundwater impacts.” and *“A key area of concern was whether Cal-Am’s groundwater extraction would remove greater volumes of “non-seawater” – that is, fresh or brackish water in the Basin that may be of beneficial use to others – than Cal-Am’s models had predicted.”* (CCC 2019)

Pursuant to the Coastal Commission’s direction, Weiss reviewed the available data to assess the potential effects of the Project on groundwater resources, taking into account new scientific data,

analyses and other information that was raised by interested parties but that was not considered in the Environmental Impact Report (EIR) for the Project. The results of that review were provided by Weiss in a report dated November 1, 2019 and included several recommendations for improvement of the analysis of groundwater-related impacts by the Project (Weiss 2019 Report). These improvements included refining, recalibrating and converting the existing 2016 version of the North Marina Groundwater Model (NMGWM²⁰¹⁶) from a steady state into a transient groundwater flow model to support more reliable impact assessment, and conducting investigations to help address several data gaps in the hydrogeologic understanding of the area.

In its 2019 review, Weiss concluded the NMGWM²⁰¹⁶ is based on a flawed conceptual model that may underestimate the MPWSP's inland hydrologic impacts and extraction of inland aquifer water that is designated as a source of drinking water. Weiss found the model did not consider the effect that existing seaward gradients in the Dune Sand Aquifer (DSA) and foreseeable future gradient changes in the 180-Foot Aquifer would have on (1) the capture zones of the slant makeup water wells proposed for the Project; (2) the distribution of drawdown impacts; and (3) the associated "Ocean Water Percentage" (OWP) of the extracted makeup water. Furthermore, Weiss concluded that the impact analysis in the EIR was flawed because it did not account for potential sources of drinking water that are required by the State Water Resources Control Board to be protected as a source of drinking water.¹ Finally, the NMGWM²⁰¹⁶ was found to be potentially inadequate for the assessment of Project effects on groundwater for the following reasons:

- The model simulates the groundwater flow system under long-term static (or steady-state) conditions rather than addressing the actual transient seasonal conditions and year-to-year variability that may drive the extent of some of the actual impacts, such as seasonal and inter-annual availability in recharge, gradients and water availability of Groundwater-Dependent Ecosystems (GDEs).
- The model does not consider available information regarding the interconnection between different aquifer units. Specifically, NMGWM²⁰¹⁶ incorrectly assumes that the Fort Ord/Salinas Valley Aquitard (FO-SVA) which separates the DSA and 180-Foot Aquifer is continuous in areas where the available evidence suggests it is not (Gottschalk et al. 2018).
- The model includes unrealistic water level boundary conditions at the southern edge that differs from actual groundwater levels by up to 90 feet, indicating a fundamental disagreement between the model simulated conditions and actual field conditions.

Based on this analysis, Weiss recommended: (1) additional groundwater investigations east of monitoring well MW-7 and in the area between monitoring wells MW-4 and MW-7 to assess the extent of the FO-SVA and the degree of interconnection between the DSA and the underlying 180-Foot Aquifer;

¹ The available data indicate that over 200,000 acre feet of groundwater is present in the DSA and 180-Foot Aquifer in the area of potential Project effects that contains less than 3,000 milligrams per liter (mg/L) of total dissolved solids (TDS) and is designated by State Water Resources Control Board (SWRCB) Resolution 88-63 and the California Regional Water Quality Control Board (RWQCB), Central Coast Region as having a designated potential beneficial use as drinking water.

(2) incorporation of the investigation findings into the NMGWM²⁰¹⁶; and (3) updating of the NMGWM²⁰¹⁶ to a transient groundwater flow model.

The Coastal Commission requested that Weiss undertake further analysis of certain groundwater issues, which led to preparation of the July 10, 2020 Weiss report, which is the topic of this review. Pursuant to the Coastal Commission's scope of work, Weiss was directed to (1) to use the existing steady-state version of NMGWM²⁰¹⁶ with several targeted modifications to better understand the range of potential impacts of the MPWSP; and (2) to determine whether the existing NMGWM²⁰¹⁶ is sufficient to support impact analysis associated with OWP and GDEs, or if a refined transient version of NMGWM²⁰¹⁶ and further field investigations are required.

Because the amount of time necessary to conduct the originally recommended model upgrades was deemed greater than the time available prior to the scheduled CCC hearing to make a final determination regarding the Project, the Coastal Commission's scope instead directed Weiss to use the existing steady-state version of NMGWM²⁰¹⁶ with several targeted modifications to assess the range of potential impacts of the MPWSP. Targeted modifications included simulation of the following:

- The actual seaward gradients observed in the DSA;
- A range of future gradients in the 180-Foot Aquifer that were assumed to be reasonably foreseeable as efforts under the Sustainable Groundwater Management Act (SGMA) to arrest seawater intrusion are implemented;
- Increased vertical permeability in the model layer that simulates the FO-SVA east of MW-7;
- A range of recharge rates to assess the effect of potential climatic variability;
- Correcting the definition of freshwater for the purposes of the OWP analysis to less than 3,000 milligrams per liter (mg/L) of total dissolved solids (TDS), consistent with State Water Resources Control Board (SWRCB) and Regional Water Quality Control Board (RWQCB) requirements;² and
- Evaluating the potential impacts of the proposed Project makeup water extractions, 15.5 million gallons per day (MGD), as well as the potential impacts under a theoretical situation if the Project pumping were reduced by half, from 15.5 to 7.75 MGD.

2. EVALUATION OF OCEAN WATER PERCENTAGE

2.1. Findings

Ocean water percentage (OPW) is a measure used in the Final EIR of two primary types of groundwater sources for the MPWSP makeup water extracted from the proposed Project slant wells: freshwater from

² The City of Marina and others have contended, and Weiss in its 2019 and 2020 Reports has agreed, that freshwater should be defined consistent with the RWQCB's Water Quality Control Plan (Basin Plan) for the area and SWRCB Resolution 88-63, which designate groundwater containing less than 3,000 mg/L TDS as having a beneficial use for municipal and domestic supply.

the 180/400 Foot Aquifer Subbasin and seawater extracted from the seaward portion of the aquifers. A higher OWP would indicate water with relatively less freshwater content and relatively more seawater content.

The Project OPW was estimated using the NMGWM²⁰¹⁶. As noted above, Weiss concluded the NMGWM²⁰¹⁶ is based on a flawed conceptual model that may underestimate the MPWSP's inland hydrologic impacts and extraction of inland aquifer water (freshwater) that is designated as a source of drinking water. Overestimating the OPW would result in underestimating the adverse impacts to inland fresh groundwater resources, water right holders, and beneficial uses. In addition, the Project is required to provide replacement water to Castroville Community Services District (CCSD) based on the OWP. Overestimating the OWP would result in underestimating the amount of replacement water required to be provided by the Project and conveyed to CCSD.

The Weiss 2020 Report indicates that under the most likely foreseeable gradient, recharge and hydrogeologic conditions, the long-term predicted Project OWP would be 72.4% (approximately 4.28 MGD fresh water), compared with 93 to 96% in the EIR (approximately 0.62 to 1.09 MGD fresh water). For perspective, since the Project is planned to operate every day of the year, the Project would be expected to extract about 1.5 billion gallons of fresh water each year from the critically overdrafted 180/400 Foot Aquifer Subbasin. This represents a 4-fold to 7-fold increase in the estimated volume of fresh water that would be extracted by the Project from the inland aquifers, and hence in the amount of replacement water required to be delivered by the Project to CCSD. If a reduced-capacity project were implemented with approximately half the makeup water demand, the OWP is predicted to decrease to 65.6% (2.67 MGD fresh water),³ which is still a 2.4 to 4-fold increase in the volume of fresh water extracted from the inland aquifers when compared to the Project evaluated in the EIR.

The available data suggest the prediction presented by the Weiss 2020 Report may underestimate the actual OWP of the Project for the following reasons:

- The DSA is highly permeable and has been designated as a key recharge area in County planning documents. No streams or creeks are sustained in this area, indicating that runoff is minimal, and infiltration of precipitation dominates the surface water system. A sensitivity analysis was conducted by Weiss comparing the average recharge case of 5 inches per year to values of 10 and 15 inches per year, resulting in a further decrease of the OWP by 6.8 and 12.2 %. These results are significant because they span the range of expected year to year recharge under years with above average rainfall.
- The NMGWM²⁰¹⁶ was implemented as a steady state model, which means the model imposes long-term average groundwater flows and levels as a constant background condition. While this is a commonly used simplification for some groundwater models, it does not consider the actual transient changes a groundwater system experiences in response to climatic variability and

³ The OWP of the extracted groundwater is projected to decrease with less pumping (*i.e.*, the percentage of freshwater is projected to increase) because the Pacific Ocean represents a constant head boundary that will produce an increasingly greater percentage of the total extracted groundwater volume as pumping increases.

changes in regional groundwater demand and water management. Since the DSA is highly permeable, recharge rates are likely to be variable and highly dependent on the amount of precipitation in any given year. Modeling of the actual transient variability in recharge could substantially increase the predicted OWP during some years or periods.

- The amount of groundwater that the test slant well extracted from the DSA versus from the 180-Foot Aquifer during the pump test was never confirmed by actual measurements and remains unknown. As such, the partitioning of groundwater extraction between the DSA and the 180-Foot Aquifer may not be accurately represented by the NMGWM²⁰¹⁶. A shift in the extraction percentage could substantially change the OWP of the extracted water. For example, if a greater amount of groundwater is extracted from the DSA than assumed by the model, the amount of inland freshwater captured by the proposed Project slant wells could be greater than simulated. Without knowing the actual partitioning of extraction between the aquifers and the resulting effect on OWP, it cannot be concluded that the OWP predicted by the model is a conservative worst case.
- Weiss did not modify the NMGWM²⁰¹⁶ to address the complex heterogeneity of the aquifer system identified in recent geophysical studies completed by Stanford University (Gottschalk, et al. 2018). The Stanford studies describe the lithology of the subsurface as being very heterogeneous and determined that the aquitards within and between the DSA, 180-Foot Aquifer, and 400-Foot Aquifer are locally discontinuous. Heterogeneity in the aquifer system, especially in the FO-SVA, could affect the OWP. Weiss used the existing simplified hydrogeologic layers provided in the NMGWM²⁰¹⁶ model. The simplification of aquifer system heterogeneity in the model adds uncertainty to the OWP analysis, and this uncertainty could, as noted above, result in overestimation of the OWP. Weiss' modeling analysis attempted to evaluate the endpoints to this heterogeneity by conducting sensitivity analyses where the vertical hydraulic conductivity of certain layers was increased and the lateral extent of the FO-SVA was varied. However, heterogeneity remains an area of uncertainty, and it is unlikely that the sensitivity analyses conducted by Weiss explored the full range of reasonable outcomes.

2.2. Implications

The 2020 Weiss Report indicates the amount of fresh water captured by the proposed Project slant wells will be several times greater than was previously evaluated in the EIR. This new information indicates that several impacts will be more severe than indicated by the prior analysis and raises concerns about the following potential impacts that were not previously evaluated:

- Potential conflicts with the Basin Plan for this region through the increased and more rapid depletion of drinking water resources in the DSA and the 180-Foot Aquifer and the potential for increased seawater intrusion into the nearshore area;

- Potential conflicts with sustainable groundwater management mandated by the Sustainable Groundwater Management Act caused by the increased capture and depletion of freshwater resources;
- Increased groundwater impacts related to operation of the Project that were not considered or evaluated in the EIR (more freshwater capture and more drawdown at GDEs); and
- Project changes due to increased replacement water volumes required to be delivered to CCSD that may result in new impacts or increased impacts during Project construction and operation that were not evaluated in the EIR.

3. GROUNDWATER-DEPENDENT ECOSYSTEMS

3.1. Findings

There are several groundwater dependent ecosystems (GDEs) identified in the Coastal Zone near the City that are identified as “vernal ponds” and are afforded specific protection and management under several land use plans. These vernal ponds consist of wetlands, seasonal ponds and perennial ponds that are believed to be remnants of marshes that occurred within the Salinas River floodplain approximately 12,000 years ago, and were subsequently covered by encroaching coastal sand dunes (The Habitat Group 1994). They are described in the City’s planning documents as water pools that expand during the wet season and support marshy wetlands that provide habitat for plants and animals for all or much of the year. They represent unique coastal ecosystems that are important stopover points for migratory waterfowl and provide habitat to a number of sensitive plant and animal species. The City’s Local Coastal Plan, certified by the California Coastal Commission (CCC) on April 20, 1982, guides development within the coastal zone in Marina and recognizes the importance and unique nature of these vernal ponds, which are designated for protection as Environmentally Sensitive Habitat Areas (ESHAs) under the California Coastal Act. These vernal ponds are shown in Figure 2.

A request for development of a Comprehensive Management Plan (CMP) was initiated in 1990 by the Coastal Commission in response to development pressures around the City’s vernal pond resources. The City engaged stakeholders in a collaborative effort to prepare the CMP. A Technical Advisory Committee comprised of representatives from the City, Monterey Peninsula Regional Park District (MPRPD), California Department of Fish and Game (CDFG, now CDFW), the Coastal Commission, Sierra Club, residents, and other interested stakeholders was also established to guide development of the plan. Four meetings were held with the Technical Advisory Committee. A public meeting was held on March 18, 1993, to present preliminary findings on the resources of the ponds and solicit comments from the public on management issues. A second public meeting was held on November 18, 1993, to present the draft plan and solicit comments on the proposed management plan recommendations.

The final CMP was adopted on February 15, 1994 (Coastal/Vernal Ponds Comprehensive Management Plan, The Habitat Restoration Group 1994). It identifies guidelines for the preservation, management and enhancement of these wetland resources, and identifies specific measures to be conducted at each

pond to preserve, protect, and enhance sensitive resources. This includes seven ponds, including two hypersaline vernal (i.e., seasonal) ponds, two freshwater perennial ponds, two freshwater vernal ponds, and one fresh to brackish pond that functions as a perennial pond in most years.

Weiss evaluated the predicted drawdown at the locations of seven vernal ponds/pond complexes identified as GDEs during prior studies (Formation 2020, WRA 2020). These vernal ponds are in the Coastal Zone and are considered Environmentally Sensitive Habitat Areas (ESHA) under the California Coastal Act (WRA 2020) and protected under the Public Trust Doctrine (FBM 2019).

Drawdowns induced by pumping of the proposed Project slant wells at the vernal ponds were predicted by Weiss to range from 0.79 to 4.05 feet, with the highest drawdown predicted to occur at the Armstrong Ranch ponds near MW-4S. Under a reduced demand scenario with slant well pumping decreased to about 50% of the amount of pumping proposed for the Project, predicted drawdowns range from 0.39 to 2.02 feet. The available data indicate the prediction presented by Weiss (2020) may underestimate the actual drawdown at the vernal ponds for the following reasons:

- The baseline case evaluated drawdown if the FO-SVA extends west of MW-7S. Under this scenario, perched groundwater flowing westward in the DSA above the FO-SVA would discharge to the aquifer system at its western terminus, creating a groundwater mound in the area near MW-4S. If the FO-SVA were to terminate further east, or be discontinuous and in local communication with the underlying 180-Foot Aquifer, as appears to be the case based on the available AEM data, this groundwater mound would not be created. Thus, under the baseline model scenario, groundwater inflow from the east may tend to maintain a constant head condition near the western boundary of the FO-SVA, and limit drawdown near the vernal ponds in the Coastal Zone. The baseline scenario is therefore not conservative – it may underestimate the amount of drawdown near the potentially affected vernal ponds, and thereby the potential impacts to the vernal ponds
- The NMGWM²⁰¹⁶ was not modified to address the heterogeneity of the aquifer system identified in recent geophysical studies completed by Stanford University (Gottschalk et al. 2018). Heterogeneity in the aquifer system, especially in the shallow aquifer, could affect the amount of drawdown at the vernal ponds, and the actual drawdown could consequently be greater.
- The amount of groundwater that the test slant well extracted from the DSA versus from the 180-Foot Aquifer during the pump test was never confirmed by actual measurements and remains unknown. As such, the partitioning of groundwater extraction between the DSA and the 180-Foot Aquifer may not be accurately represented by the model. A shift in the extraction percentage could substantially change the amount of drawdown predicted in the DSA near the identified GDEs. For example, if a greater amount of groundwater is extracted from the DSA than assumed by the model, the amount of drawdown could be greater than simulated.
- The NMGWM²⁰¹⁶ was implemented as a steady state model. The amount of groundwater needed to sustain the vernal ponds is likely to be greatest during dry periods. The cumulative

stress of climatic conditions and drawdown cannot be evaluated using a steady state model alone.

- A key consideration when developing models for the assessment of surface water-groundwater interaction at GDEs is the near surface layering scheme. The NMGWM²⁰¹⁶ includes a relatively coarse layering scheme with limited usefulness for evaluating impacts to GDEs.

3.2. Implications

The seven vernal ponds that could potentially be affected by drawdown induced by pumping of the proposed Project slant wells are described in the *Costal/Vernal Ponds Comprehensive Management Plan* (CMP) that was developed by the City (The Habitat Restoration Group, 1994).

The City of Marina recently commissioned a biological, soils and hydrologic investigation to assess the current conditions and groundwater dependence of six of the seven vernal ponds described above (WRA 2020). The current species composition and condition at each of these vernal ponds was documented. Shallow test pits were excavated at each pond and soil types and colors, rooting depths, and depths to saturated soil were noted. The wetlands were dominated by herbaceous wetland vegetation, which tend to have relatively shallow rooting depths and requires a relatively consistent groundwater depth. The study confirmed these wetland resources are dependent on groundwater and should be considered groundwater dependent ecosystems. Saturated conditions were observed at depths ranging from 5 to 11.5 inches, and rooting depths were observed to range from 5 to 14 inches. The deepest-rooted hydrophytic species identified during the study was Arroyo willow (*Salix lasiolepis*), with a reported rooting depth up to approximately 26 inches (USDA, 2020). The vernal pond habitats were confirmed to contain sensitive biological communities and many protected animal and plant species that could be adversely affected by groundwater drawdown.

The vernal pond habitats were confirmed to contain sensitive biological communities that could be adversely affected by groundwater level drawdown (WRA 2020). The sensitive communities that have been identified are upland communities (i.e., coastal dune scrub, rose scrub, California blackberry scrub), and various types of aquatic habitats (e.g., coastal freshwater marsh, coastal saltwater marsh, willow riparian forest, freshwater seasonal wetland, and open water). These habitats are important for various species in singularity or combined as some species rely on (1) upland habitats for foraging, nesting, basking and burrowing; (2) aquatic habitats for foraging, breeding and fulfilling their lifecycle; and (3) some can only survive in aquatic environments.

The sensitive aquatic and upland communities, singularly or in combination, are key for (1) wading, foraging and nesting birds; (2) aquatic algae, invertebrates and plankton that support the food web; (3) amphibian and reptile species that may use aquatic and upland areas to complete their lifecycles, or seasonal / diurnal patterns; (4) mammals and insects that utilize the vegetation and aquatic environments for cover and forage; and (5) supporting the vegetative communities (which may include rare plant species) that support plankton, algae and higher species. There is also a high to moderate potential for vernal pond habitats to support 32 rare plant species, although only 5 to 6 are confirmed

present at this time. The special-status wildlife species that have potential to rely on the six ponds and Armstrong Ranch include four reptile, two amphibian, one insect, one mammal, and four bird species. These organisms, as well as other unprotected species, are likely to be adversely affected by groundwater drawdown; however, specific correlations between the amount of drawdown and species or ecosystem response have not yet been verified.

Drawdown in shallow groundwater systems may alter community composition by increasing (1) cover of non-native or upland species; or (2) soil salinity from evapotranspiration. Research has shown that root distribution tends to be related to groundwater history; therefore, a rapid decline in water table relative to the condition under which roots developed may strand plant roots so they cannot obtain sufficient moisture (Shafroth, Stromberg and Patten, 2000). Although roots do tend to redistribute with the water table, plants cannot proliferate new roots if the water table decline is too rapid or if groundwater levels fall below the maximum rooting depths of a particular species (Richards et al unpublished; Stella and Battles, 2010; Stella et al., 2010). Relatively modest groundwater level declines can also significantly decrease the recruitment of new seedlings even if more mature plants ultimately adapt, causing a long-term shift in habitat type, ecosystem function and species composition (TNC, 2018; Amlin and Rood, 2002).

A compilation of studies conducted by The Nature Conservancy (TNC) in the western United States that examined plant response for 17 herbaceous wetland indicator species (11 common and six rare) to groundwater drawdown indicated gradual loss of indicator species starting with as little as 0.66 feet of drawdown, with a median of 2.99 feet, and complete loss at 6.23 feet (Gerla et al. 2015). Rhode et al. (2017) reviewed policies adopted for management of GDEs in the United States and globally, and assessed that thresholds for GDE responses to groundwater level decline are often assumed to follow linear, curvilinear, or step-wise functions, but that in reality they are likely habitat specific. A study of the effects of regulatory drawdown thresholds on inundation area and plant community composition in southeast Australia suggested that drawdowns from 0.82 feet to 0.98 feet represent a threshold where community composition is likely to change (Deane et al. 2018). The study setting included a regional unconfined aquifer with shallow groundwater levels, wetlands dependent on groundwater discharge, and wetlands considered sensitive to even small declines in groundwater level. Thresholds were assigned based on ecological value, with higher functioning wetlands sensitive to changes assigned a threshold of up to 0.82 feet of acceptable drawdown over the course of five years; regional triggers were set at 1.64 feet over five years.

The Armstrong Ranch Pond Complex (Vernal Pond #6 in the CMP) is located approximately 300 to 1,000 feet east of the CEMEX plant site and includes a series of seasonal wetlands with ponded water in the winter and wet herbaceous meadows likely subsisting on shallow groundwater during the dry season (The Habitat Restoration Group 1994). Analysis of summer evapotranspiration discharge, which is a measure of vegetation health and stress, indicated that groundwater level declines on the order of 1 to 2 feet were sufficient to cause plant stress in this GDE (Formation 2020). The Weiss 2020 Report predicted a groundwater drawdown of 4.05 feet at the Armstrong Ranch Pond Complex if the project is implemented as proposed. If project pumping were to be reduced by half, the predicted drawdown

would still be 2.02 feet. These values may be underpredicted, as discussed in the previous section, and based on the available data are likely to cause significant adverse impacts to the GDEs at Armstrong Ranch, potentially resulting in complete loss of these protected habitat. Predicted drawdowns at the remaining ponds are also in the range where potentially significant impacts, such as diminished habitat area or quality, may occur. There would likely be a shift in species presence because the aquatic and herbaceous species would not be able to survive with drier soil conditions and some woody species would likely be stranded if drawdown is too rapid.

Based on the above information, we conclude the drawdowns predicted by Weiss would be sufficient to cause significant plant stress and habitat degradation at the vernal ponds in the Coastal Zone near Marina, or potentially, in the case of the Armstrong Ponds, habitat loss. These impacts were not evaluated, identified or considered in the EIR, which did not recognize the existence of the GDEs, assess the potential for them to be adversely affected, or use a groundwater model that could accurately predict water table drawdown in the DSA at the GDE locations. As such, the Weiss 2020 Report presents important and significant new information about potential impacts to these GDEs, which are a protected resource. As noted above, the NMGWM²⁰¹⁶ has limited capability to predict actual groundwater interaction with GDEs, so the findings of the Weiss 2020 report confirm that significant impacts to GDEs are likely, but do not characterize those impacts. More detailed modeling and investigation would be required to assess the nature and extent of the potential impacts, assess the ecosystem response, and develop an appropriate mitigation and monitoring strategy.

In addition to the inadequacy of the analysis of potential adverse impacts to GDEs in the EIR and the identification of potential impacts that were not previously recognized, the drawdown effects predicted by Weiss at the vernal ponds have implications relative to several other regulatory programs and requirements that are relevant to the Coastal Commissions proceedings regarding the Project as listed below:

- Under SGMA, the predicted drawdowns indicate the potential for significant and unreasonable impacts to the beneficial uses of groundwater by GDEs and indicate the potential for undesirable results and unsustainable groundwater extraction as defined under the California Water Code.
- Under the California Coastal Act, operation of the proposed Project slant wells would result in potential adverse impacts to ESHA.
- Finally, the predicted drawdowns indicate a potential to harm public trust resources (FBM 2019), which must be considered and avoided, if possible.

4. ADEQUACY OF THE NMGWM²⁰¹⁶

The objectives of the evaluation discussed in the Weiss 2020 report included providing perspective on whether the existing NMGWM²⁰¹⁶ is adequate to support the current CCC proceeding, or whether a refined, calibrated, transient version of the NMGWM²⁰¹⁶ developed based on the results of additional

investigation is needed. To that end, the predicted Project OWP and potential drawdown effects on GDEs were assessed using the existing NMGWM²⁰¹⁶ with targeted modifications to provide additional perspective on the potential impacts of the Project. The results of the modeling analysis were discussed, and the report repeated Weiss' November 1, 2019 recommendations for refined modeling and investigation if more certainty regarding the potential effects of the Project is desired.

As noted above, the additional modeling conducted by Weiss is sufficient to conclude the Project will result in potentially significant adverse impacts related to freshwater aquifer depletion, non-compliance with the RWQCB's Basin Plan, unsustainable groundwater extraction and degradation of GDEs. The results of the modeling are however insufficient to characterize the nature and extent of the impacts and support development of an appropriate monitoring and mitigation approach. Further investigation and refinement of the model, as recommended by Weiss, would be necessary to meet this objective.

Specific limitations and deficiencies of the existing NMGWM²⁰¹⁶ include the following:

- The existing model is a steady state model that does not consider temporal variation in recharge and groundwater gradients that may affect capture zones and drawdown. A refined, calibrated, transient model is needed to better assess Project impacts and planning for appropriate monitoring and mitigation.
- The existing model does not consider the new scientific data and analyses developed by a Stanford research team based on its recent investigation utilizing airborne electromagnetic (AEM) technology. It should be noted that AEM is currently being employed by several Groundwater Sustainability Agencies and the California Department of Water Resources to characterize water quality, seawater intrusion and hydrostratigraphy in basins across the state and represents a proven, reliable and accepted technology for the characterization of groundwater resources. The Stanford investigation assessed the hydrostratigraphy and water quality distribution in the area and revealed (1) freshwater within the Dune Sand Aquifer extends westward beneath the older and recent dune deposits south and west of the Salinas River, which have been recognized as an area with high recharge rates; (2) the Dune Sand Aquifer lies on top of the FO-SVA, which thins and pinches out toward the west and is not as continuous as has been previously thought; (3) the Dune Sand Aquifer is in direct hydraulic communication with the underlying 180-Foot Aquifer where the FO-SVA is not present; and (4) deeper aquitards within and between the 180-Foot and 400-Foot Aquifers are not as continuous as was once thought. In general, the AEM investigations have confirmed that the aquifer system that will be affected by the MPSWP is much more heterogeneous than was recognized in the NMGWM²⁰¹⁶. (Gottschalk et al. 2018). Further investigation to assess the lateral extent and heterogeneity of the FO-SVA and other aquitards is needed.
- Modeling the western limit of the FO-SVA west of MW-7S is not conservative when considering potential impacts to GDEs. Extending the FO-SVA west of MW-7S may artificially limit the amount of predicted drawdown in the shallow aquifer in the area, and therefore underestimate adverse impacts to the GDEs, especially the Armstrong Ranch Pond Complex.

- The model layering limits its capacity to assess surface-groundwater interaction at the GDEs. Finer vertical discretization would be desirable and should be based on local investigation of the shallow hydrostratigraphy at the vernal ponds through the installation of nested piezometers.
- The amount of groundwater extraction from the DSA versus the 180-Foot Aquifer should be confirmed. We recommend the slant wells be simulated using the MODFLOW Multi-Node Well (MNW) package. If hydraulic profiling of production flows to the test slant wall cannot be conducted, a range of reasonable values should be evaluated in a sensitivity analysis.
- The effects of the inland shallow aquifer General Head Boundaries should be more closely examined. The Salinas River is groundwater connected and is a source of groundwater recharge. The amount and seasonal timing of the River recharge, and its effect on slant well capture in the DSA and 180-Foot Aquifer should be evaluated.
- To fully understand the potential of the Project to affect water quality, the effects of density-driven flow of saline groundwater will need to be considered.
- The amount of recharge considered in the model should be refined or a range of recharge values should be considered. Recharge estimates may be refined by assessing deep percolation from precipitation plus applied irrigation water, and subtracting actual ET derived from the Cal ETa dataset developed by Formation on behalf of DWR.
- The model should be calibrated by simulating the transient test slant well pumping test and history matching the results to recorded groundwater levels in the MPWSP monitoring wells.

5. CONCLUSIONS

In its 2019 review, Weiss concluded the NMGWM²⁰¹⁶ is based on a flawed conceptual model that may underestimate the MPWSP's inland hydrologic impacts and extraction of inland aquifer water that is designated as a source of drinking water. Weiss recommended improving the model by refining, recalibrating and converting the existing version of the NMGWM²⁰¹⁶ from a steady state into a transient groundwater flow model to support more reliable impact assessment, re-calibrating the model, and conducting investigations to help address several data gaps in the hydrogeologic understanding of the area. Because of time limitations, the Coastal Commission requested that Weiss instead use the existing steady-state version of NMGWM²⁰¹⁶ with several targeted modifications to assess the range of potential impacts to OWP and GDEs from the Project.

The Weiss 2020 Report indicates that the long-term predicted Project OWP would be 72.4% compared with 93 to 96% in the EIR. For perspective, since the Project is planned to operate every day of the year, the Project would be expected to extract about 1.5 billion gallons of fresh water each year from the critically overdrafted 180/400 Foot Aquifer Subbasin of the Salinas Valley Groundwater Basin. This represents a 4-fold to 7-fold increase in the estimated volume of fresh water that would be extracted compared to what was evaluated in the EIR. Based on the limitations of the approach used to derive the OWP estimate, the actual OWP may be even lower. The evaluation conducted by Weiss indicates the

Project will result in potentially significant impacts to freshwater resources, water right holders and beneficial groundwater users and uses, and could interfere with sustainable groundwater management. These impacts were either not identified in the EIR, or to the extent they were, were significantly underestimated. In addition, Weiss' 2020 analysis suggests the amount of replacement water required to be provided to CCSD is greatly underestimated, and delivery of the additional water volumes may result in new or increased impacts that were not evaluated in the EIR.

The Weiss 2020 Report found that drawdown impacts to GDEs in the Coastal Zone near Marina will range from 0.79 to 4.05 feet. Similar to the OWP, the limitations of the approach used to forecast these impacts indicates they may be underestimated. The magnitude of the predicted drawdowns exceeds thresholds at which adverse effects have been documented in similar ecosystems and indicate the potential for significant impacts that were not evaluated or identified in the EIR. Even if the Project's makeup water demand were cut in half, the potential for significant impacts would still exist. The degradation, shrinkage or loss of these sensitive habitats would impact a number of protected animal and plant species. The GDEs in the Coastal Zone are considered ESHA and are protected under the Coastal Act. In addition, adverse impacts to GDEs would constitute "undesirable results" in violation of SGMA. Finally, adverse effects on public trust resources would need to be considered and avoided in the Coastal Commission's proceeding regarding the MPWSP.

The existing NMGWM²⁰¹⁶ is a simplified, steady state model that entails inherent limitations in its predictive capability and, as applied, may lead to the underestimating of environmental impacts in some cases. The evaluation conducted by Weiss (2020) confirms the Project will likely result in significant environmental impacts that were not considered or identified in the EIR. While the existing NMGWM²⁰¹⁶ is sufficient to make these conclusions, it is not adequate to develop an understanding of how these impacts can be monitored, decreased or mitigated. To achieve these objectives, additional investigations would need to be undertaken to address data gaps in the hydrogeologic understanding of the area, the potential response of GDEs to drawdown would need to be better understood, and a refined, transient version of the NMGWM²⁰¹⁶ would need to be developed and calibrated.

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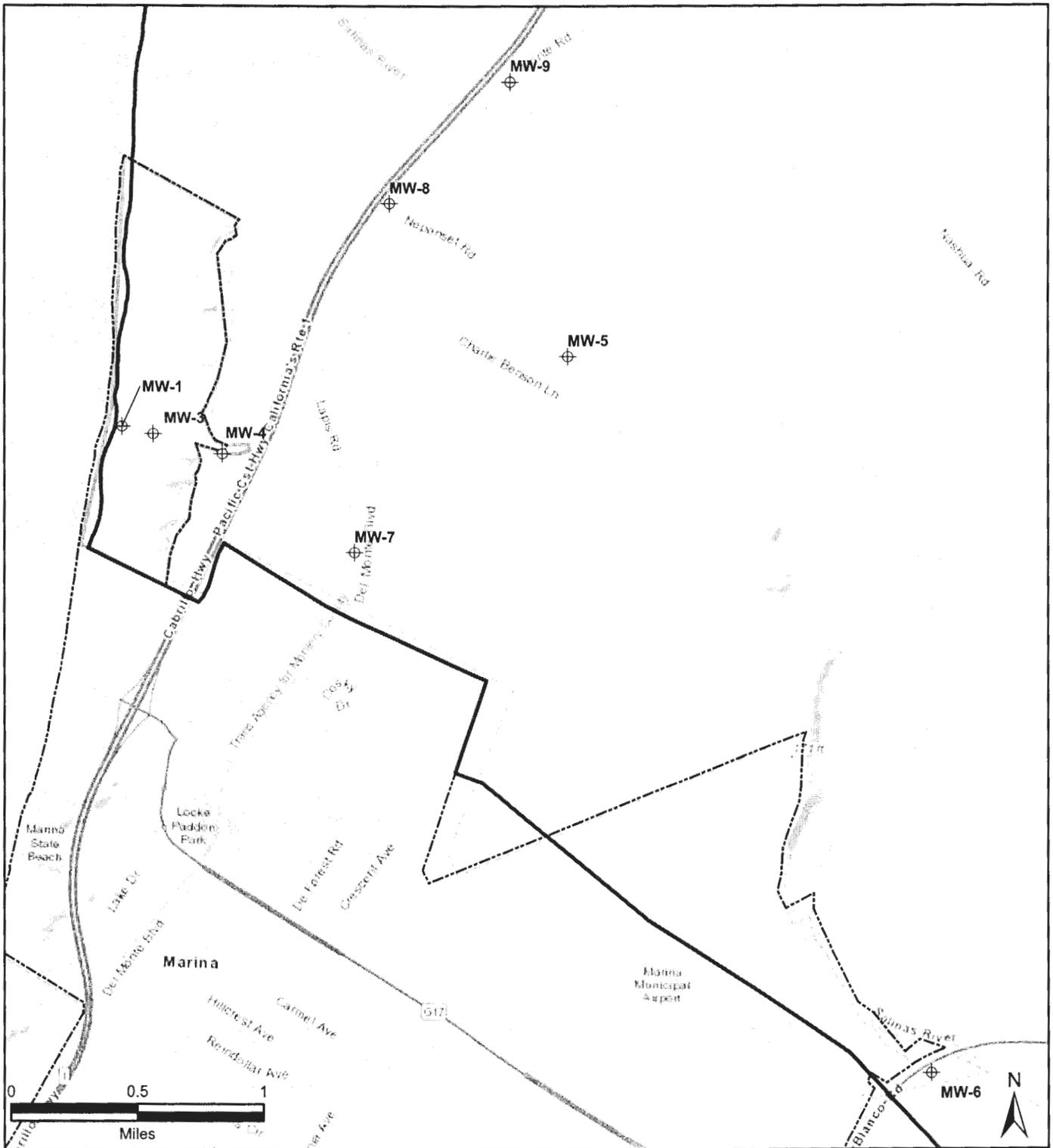


FIGURE 1

Location of MPWSP Ste and Monitoring Wells

Comments on the Weiss Associates 2020 Report

Legend

- ⊕ MPWSP Monitoring Wells
- ⬜ (dashed outline) Approx. Location of CEMEX Plant Site and Marina GSA
- ⬜ (dotted outline) City of Marina
- ⬜ (solid outline) 180/400 Foot Aquifer Subbasin

Sources: ESRI Map Service Imagery,
<https://sgma.water.ca.gov/portal/gsa>,
 MPWSP Monitoring Report #160 2019
 DATE: Aug. 12, 2020

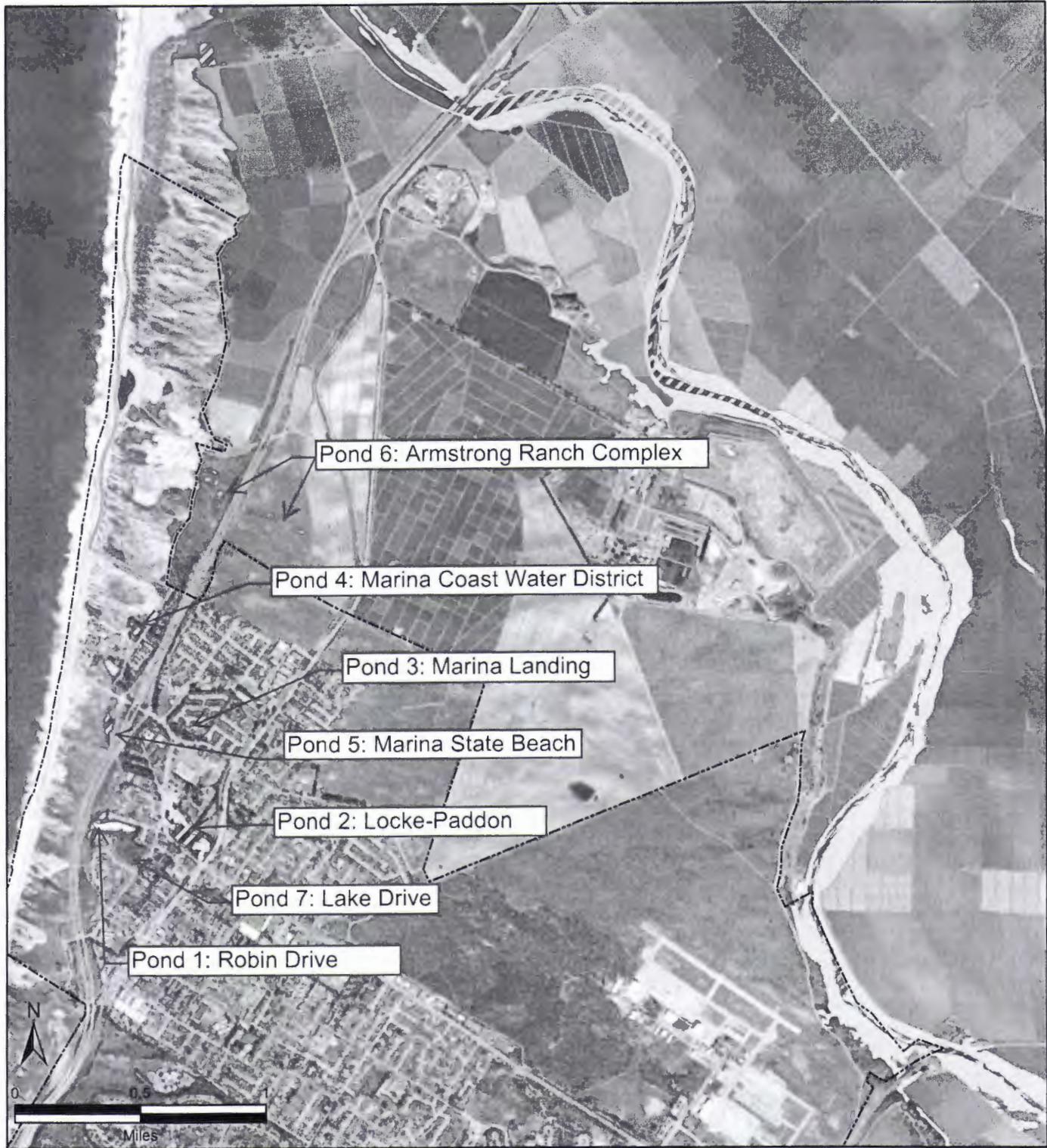


FIGURE 2

GDE Locations near the MPWSP Area

Comments on the Weiss Associates 2020 Report

-  Groundwater Dependent Ecosystems - Wetlands
-  Cities
-  Groundwater Dependent Ecosystem - Vegetation
-  Approx City of Marina GSA and CEMEX Site

DATE: Aug 13, 2020

Sources: ESRI Map Service Imagery, <https://sgma.water.ca.gov/portal/gsa>

MARINA EXHIBIT 5



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Water Demand and Supply for Monterey Peninsula Peer Review Report (April 2020)

Introduction and Summary

Energy and Water Consulting (EWC) has been asked by the City of Marina to provide a peer review of a report relating to water demand and supply for the Monterey Peninsula entitled "Supply and Demand for Water on the Monterey Peninsula", prepared by Monterey Peninsula Water Management District, September 2019, with December 2019 and March 6, 2020 updates (MPWMD Report). This peer review also includes a brief review of a peer review letter regarding the MPWMD Report, dated January 22, 2020, prepared by Hazen & Sawyer on behalf of California-American Water Company (CalAm).

EWC is familiar with these water demand/supply issues in connection with the Monterey Peninsula Water Supply Project (Project or MPWSP). Dr. Lon House submitted written expert testimony and testified in person at the evidentiary hearings of the California Public Utilities Commission (CPUC) in proceeding A.12-04-019 held in September/October 2017. Now that three more full years (2017-2019) of recorded water demand data is available, a more precise updated analysis of Monterey Peninsula water demand/supply is possible.

At the outset, it is important to recognize that the Monterey Peninsula Water Management District (MPWMD) is the agency charged by the California Legislature with making these water supply/demand determinations. MPWMD was formed in 1978 and, in its enabling legislation, it is tasked with filing an annual report which includes "an analysis of the present and future water requirements of the district, the water supply available to the district, and the requirements for future capital improvements, and the requirements for maintenance and operation." [Water Code Appendix § 118-350(b)]. Contrary to the statements by Hazen & Sawyer, MPWMD is the expert on these issues



and has no reason to defer to the CPUC or any other agency in these analyses, which it has been preparing for over 40 years.

Three more full years (2017-2019) of recorded water demand data is now available. This recent data makes the CPUC data set obsolete, reducing the existing customer 10-year average water demand available in the CPUC proceeding by 1,275 acre-feet per year (afy), a reduction of 10.7 percent.

The future demand for “new” water (lots of record, Pebble Beach, tourism rebound) estimates, based on the analysis contained in the MPWMD Report, also have dropped by 582-939 afy from earlier estimates made by CalAm.

Using different forecast assumptions (an instantaneous and permanent increase in demand of 881 afy as soon as new water supply is available in 2022 and thereafter an annual increase at the highest average system water increase growth rate in the history of the area) compared with water supply options results in similar results to the MPWMD Report conclusions - the expansion of the Pure Water Monterey project will meet area water demands through 2050.

In contrast, the Monterey Peninsula Water Supply Project is excessive to area water needs for the next several decades. Moreover, it is likely to have major disadvantageous rate impacts on customers because of the huge annual fixed cost of the desalination facilities (estimated at over \$30 million annually), which could cause water from that project to go over \$21,000 per acre foot if, as expected, it will be greatly underutilized. The low-income customers in the district will be especially hard hit by the necessary huge increases in water rates to pay for this expensive and unnecessary (by 2050) water facility.

In the sections below, EWC will address a series of questions relating to water demand/supply that are covered in the MPWMD Report. These questions include: (1) what is the updated demand for water on the Monterey Peninsula; (2) what are the relevant components of this new water demand; (3) what is the likely future total demand for water on the Monterey Peninsula; (4) when will this future water demand materialize; (5) what are important factors influencing future water demand; (6) what are available water supplies for the Monterey Peninsula; (7) when are new water supplies needed; and (8) what are the implications of building excess water supply. As set forth herein, the conclusions set forth in the MPWMD Report are fully supported by the available facts.



What is the Appropriate Water Demand Level to Assume for Existing Customers?

Based on water demand data only through December 31, 2016, the CPUC issued a decision in which it adopted CalAm's projections of existing and future demand for water in its Monterey District.¹ Specifically, for current demand, the CPUC adopts CalAm's 12,350 afy projection, stating "[w]hile the methodologies put forward by Cal-Am may not be perfect, that is not the standard they are required to meet. The methodologies are persuasive in providing a reasonable estimate of annual demand in the district going forward."² Similarly, the CPUC adopted CalAm's figure of 2,005 afy for future demand and its total current/future demand of 14,355 afy as a reasonable projection.³

Notably, the CPUC did not undertake its own expert analysis to determine what water demand is appropriate. Rather, it took the view that so long as it found CalAm's projection to be reasonable, it had met its obligations. As the MPWMD Report states in its March 6, 2020 analysis (note 9) "[i]t is important to reiterate that the CPUC did no original analysis, modeling or projection of demand on its own." In its peer review, Hazen & Sawyer misstates the nature of the CPUC determination on this point and appear to argue that the MPWMD has no right to make its own determination on this issue. However, the MPWMD has the legal responsibility for making water demand determinations for the district and, given the important and significant new demand data available for the last few years, the MPWMD's updated determinations of water demand and supply are critical.

The CPUC recognizes the importance of using the latest water demand data. In their decision in CalAm's last General Rate Case, the CPUC concluded "*Given the declining consumption pattern in the Monterey main district, the most recent data available is likely to be the most accurate*"⁴. What could substitution of a couple more years of recent water demand information make? It turns out – a lot.

We also note that the March 6, 2020 addition to the MPWMD Report (note 6) reflects that CalAm itself has retreated from its earlier demand estimates before the CPUC and, in its current General Rate

¹ D.18-09-017.

² Id. at p. 49.

³ Id. at p. 51.

⁴ D.18-12-021, Finding of Fact 13, pg. 272.



Case, adopted significantly lower projections in line with those of MPWMD. This is further evidence that the most recent data is the most predictive of current water demand needs in the district.

What is the Updated Demand for Water?

We now have complete water demand data through 2019. The water demand information used by the CPUC ended in 2016. Data from the 2017-2019 period demonstrate that demand has stayed at or below 10,000 afy for the last five years (2015-2019). Figure 1 shows what happens when updating the water demand to the most recent 10 years of data – replacing 2007-2009 data with 2017- 2019 information. Updating the water demand data to include the three most recent years reduces the 10-year average water demand by 1,275 afy⁵, a reduction in 10-year average demand of 10.7 percent.

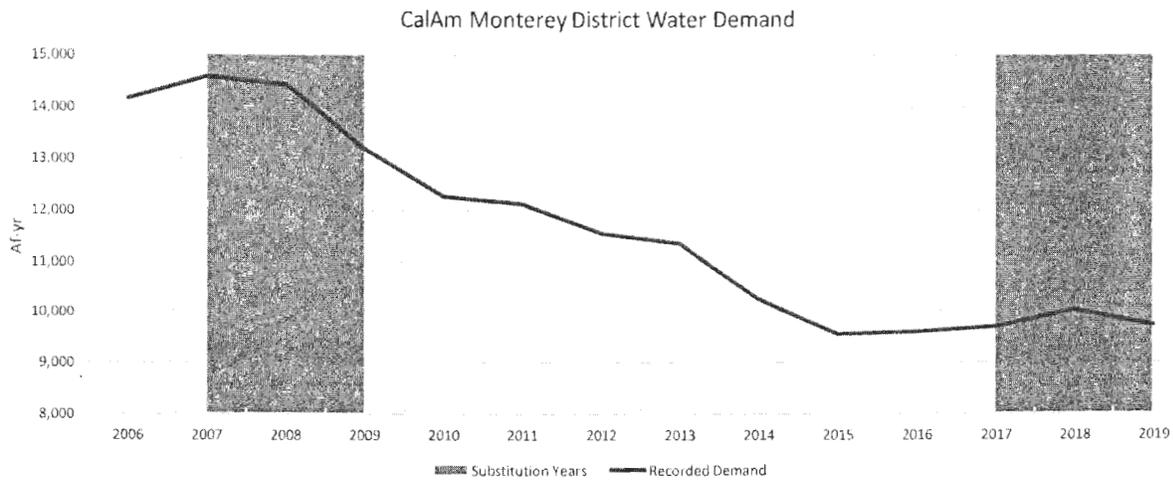


Figure 1. Recorded CalAm Customer Water Demand

Table 1 compares the various estimates of current customer CalAm water demand compared with recorded values. Estimates vary by 3,563 afy (over 25 percent) from recorded levels.

⁵ Afy = acre feet per year (325,851 gallons).



Table 1. Comparison of Estimates of CalAm Customer Existing Water Demand

CalAm Application	CPUC Adopted	10-year average (2010-2019)	5-year average (2015-2019)
13,290 afy	12,350 afy	10,619 afy	9,727 afy

CalAm originally sized the Project on the basis of an assumed current water demand of 13,290 afy, to which it added about 2,000 afy for asserted growth in demand, for a total water demand of 15,296 afy. Although CalAm reduced its estimate somewhat later and the CPUC adopted these estimates, based on the data through 2016, an updated assumption based on 10-year and 5-year lookbacks reduce the current demand numbers to 10,619 afy (10-year average) and 9,727 afy (5-year average).

What Are Relevant Components of Future Monterey District Water Demand?

In addition to existing customer demand, there are various other anticipated future demands for water that must be assessed. These include assumptions about tourism rebound to levels experienced in the early years of this century and future buildout of legal lots in Pebble Beach. It should be emphasized that these are not current demands for water, but assumptions about new demands for water once an additional supply is established. In the MPWMD Report, MPWMD reviewed the latest information relating to the Monterey Peninsula future demand for water⁶. Table 2 is a modification of Table 8 in the MPWMD Report that focuses only on the future water demand factors. Based on the demand ranges for each of these elements based on the best current available data, MPWMD established high and low bounds for each type of potential future demand. As you can see, these future estimates for new water demand vary by almost 1,000 afy from CalAm’s projections based on 2016 data.

⁶ “Supply and Demand for Water on the Monterey Peninsula”, prepared by Monterey Peninsula Water Management District, September 2019 with December 17, 2019 update: “Consider Adoption of Updated Water Demand Forecasts Related to Association of Monterey Bay Government 2018 Regional Growth Forecast and Regional Housing Needs Allocation Plan: 2014-2023, and Inclusion of 2019 Water Year”.



Table 2. Comparison of Estimates of Monterey Peninsula “New” Water Demand

	Project Application	MPWMD High	MPWMD Low
Legal Lots of Record	1,181 afy	1,014 afy	864 afy
Tourism Bounce Back	500 afy	250 afy	100 afy
Pebble Beach Buildout	325 afy	160 afy	103
Total “New” Demand	2,006 afy	1,424 afy	1,067 afy

Source: “Supply and Demand for Water on the Monterey Peninsula”, prepared by Monterey Peninsula Water Management District, September 2019, Table 8.

The analysis of future demand by MPWMD shows potential future water demand to be in the 1,067 to 1,424 afy range. In fact, as described below, the actual future demand is more likely to be at the lower end of this range. The MPWMD analysis of the significant new information regarding these water demand sources is sound. Hazen & Sawyer do not address or counter this new information other than to make an unsupported assertion that it “appears to be based on anecdotal data.” To the contrary, the new information is based on updated lots of record, water use data, and hospitality industry occupancy rate data, which is the type of data that should be relied upon.

What is Eventual Total Demand for Water on the Monterey Peninsula?

The total eventual demand for water on the Monterey Peninsula is the combination of existing customer demand and new water demands. Table 3, prepared by MPWMD and enhanced to add in a column relating to 5-year average customer demand, provides a comparison of various estimates of eventual Monterey Peninsula water demand.



Table 3. Comparison of Estimates of Eventual Monterey Peninsula Water Demand

	MPWSP Application	CPUC Adopted	10-yr Average Customer Demand plus MPWMD New Demands	5-yr Average Customer Demand plus MPWMD New Demands
Existing Customer Demand	13,290 afy	12,000 afy	10,619 afy	9,727 afy
New Water Demand	2,006 afy	2,000 afy	1,067-1,424 afy	1,067-1,424 afy
Total Eventual Demand	15,296 afy	14,000 afy	11,686-12,043 afy	10,794-11,151 afy

When Will Total Eventual Demand Materialize?

A critical parameter in the discussion of MPWSP is when will the eventual total demand for water materialize? Tourists will not suddenly start flocking to Monterey when a new water supply becomes available, nor will existing lots or Pebble Beach be completely built out immediately. It will take years, or decades, for the eventual water demand to be realized.

We provide a reasonable assumption on future water demand trajectory in Figure 2. For this we assumed that in 2023, the earliest that the MPWSP could be available, there is an instantaneous and permanent water demand increase of about 881 afy (approximately 9 percent). This is equivalent to an increase in existing customer demand from current (2019) levels to the 10-year average customer demand (2010-2019). From 2023 on, we assume the highest average system water increase growth rate in history of the area, the average growth in water demand realized in the 1999-2008 years, before the water moratorium was instituted⁷. Water demands in the area have never increased faster,

⁷ 16.4 afy, as found in: "Supply and Demand for Water on the Monterey Peninsula", prepared by Monterey Peninsula Water Management District, September 2019, pg. 11. As the report noted – this "... was a period of relative economic stability, available property, no moratorium on new service connections, and lower water rates..."



the use of this record growth in water demand is reasonable to ensure that the total water demand estimate is at the highest realistic level for planning purposes. The graph also shows what would happen if the 2023 demand rebounds to the 5-year average water demand.

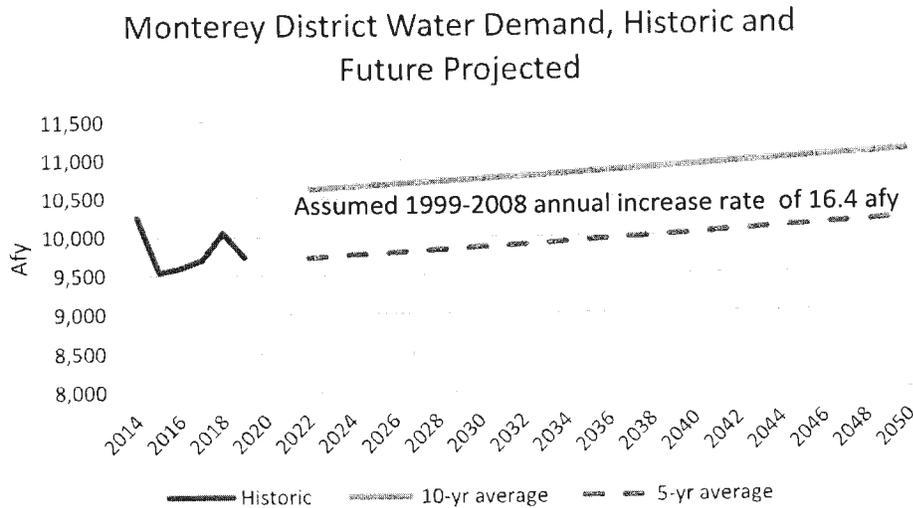


Figure 2. Historic and Project Monterey Peninsula Water Demand

This shows that, if water demand increases at the highest historic rate recorded for the area after new supplies become available, the 2050 demand for water will be between 11,078 afy and 10,186 afy.

What are Some Key Factors Influencing Future Water Demand?

There are regulatory and water conservation factors influencing water demand that will inevitably tend to dampen increases in water demand.

First, the California Legislature enacted, SB 606 and AB 1668, signed by the Governor in May 2018, that call for the creation of new urban efficiency standards for indoor use, outdoor use, and water lost to leaks in California. The indoor water use standard will be 55 gallons per person per day through 2025, then it will decrease to 50 gallons per person per day in 2030. As the MPWMD Report noted, current gallons per capita per day in the CalAm Monterey system is 57 gallons per person per day⁸, so

⁸ "Supply and Demand for Water on the Monterey Peninsula", prepared by Monterey Peninsula Water Management District, September 2019, pg. 15.



we cannot expect a huge increase in existing customer water demand. Rather, these mandatory water usage requirements for urban water supplies means that existing users are unlikely to increase their current water consumption when new water is made available.

Second, it is important to recognize California's new water resiliency policy as contained in the Governor's Executive Order N-10-19, signed on April 29, 2019. A key driver of the new policy is to build upon the "Sustainable Groundwater Management Act and new urban water efficiency standards" to meet the "evolving challenges" with water in the future. In addition to specifying an inventory of existing water supply and demand (which is exactly what the MPWMD has done in its report), the policy encourages "regional approaches" to water supply and mandates "extensive outreach" to stakeholders, including environmental justice organizations. These initiatives, which would include outreach to communities like Seaside and the City of Marina, likely will result in conserving water and keeping its cost affordable, which will likely exert constraints on water demand.

What are Available Supplies of Water for the Monterey Peninsula?

Available supplies of water for the Monterey Peninsula include the Carmel River, Seaside Basin, Aquifer Storage and Recovery, Sand City Desalination Plant, other available supplies, and Pure Water Monterey. There are two potential future supplies, the MPWSP Desalination facility and an expansion of the Pure Water Monterey (PWM) project⁹. These supplies are shown in Figure 3, along with the reference point of 2019 recorded water demands.

⁹ As discussed in: "Supply and Demand for Water on the Monterey Peninsula", prepared by Monterey Peninsula Water Management District, September 2019.



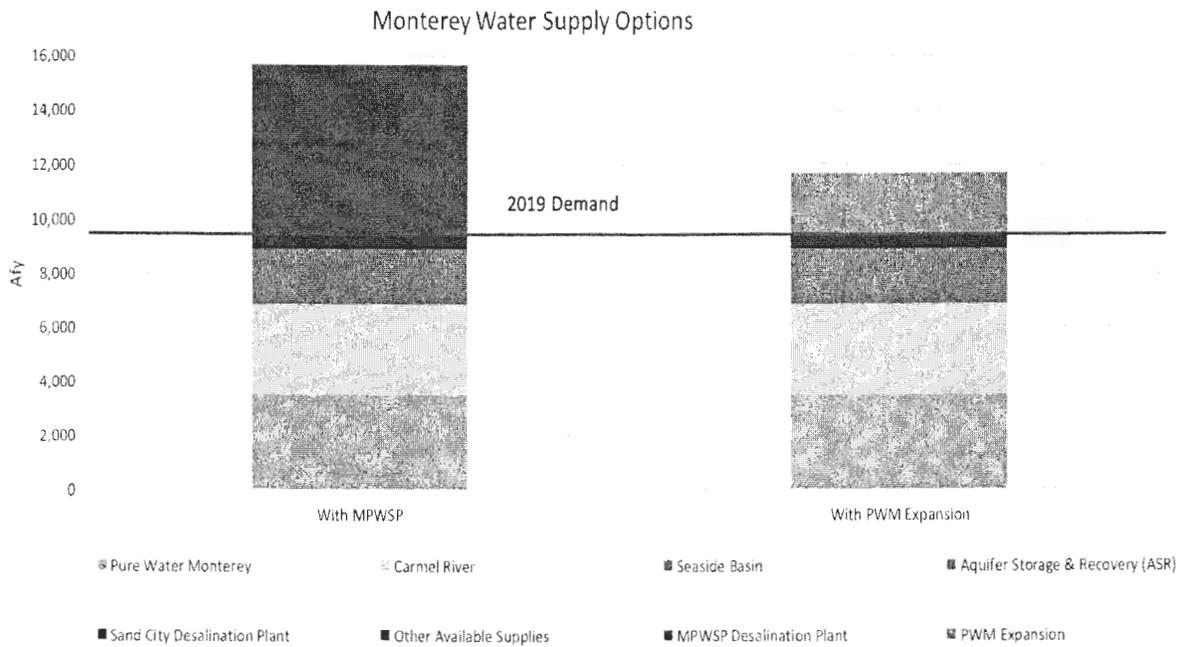


Figure 3. Available Water Supplies and 2019 Demand

Note that existing water supplies (absent MPWSP or expansion of the PWM) are inadequate to meet all of the future demand for water, so further new supplies will be needed.¹⁰

When Are New Supplies of Water Needed?

As Figure 3 showed, new water supplies (either MPWSP or additional PWM supply) are needed to meet water demands in the area. Figure 4 combines available water supplies with historic and future water demands (using the significantly higher rebound to 10-year average demand in 2023).

¹⁰ We note that, under the State Water Board enforcement order relating to the Carmel River, CalAm has the interim right until December 31, 2021 (or longer if extended) to take large amounts (many thousands of acre-feet) of water from the river if necessary to meet demand.

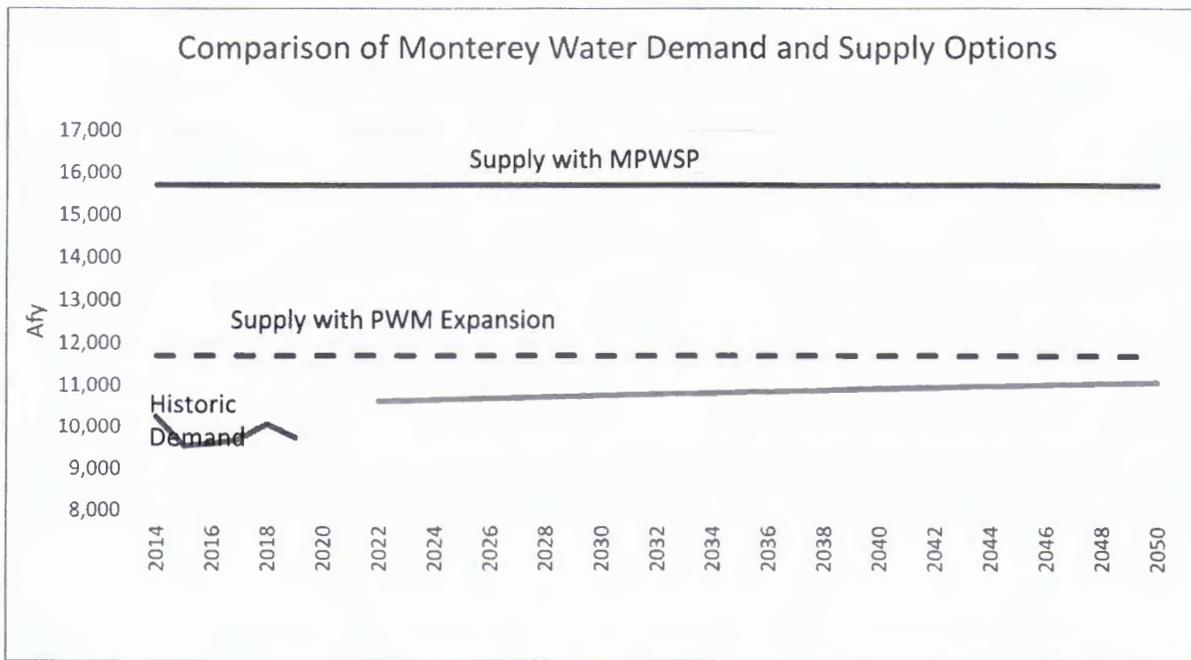


Figure 4. Available Water Supply Options and Historic and Future Water Demands

With the addition of the PWM expansion adequate water supplies are available through 2050. There will be 11,700 afy of water supply compared with a 2050 demand for water of 11,078 afy¹¹. This is a similar conclusion to what was reached in the MPWMD Report.

What Are Implications of Building Excess Water Supply?

Having excess water supplies can be advantageous in the right circumstances – provided that the new water supplies do not impose an excessive financial burden on customers. Cost does matter.

There are two cost issues with MPWSP. The first is the MPWSP desal water is very expensive, running 22 times¹² as much as the most expensive current supply (Carmel River) and 3 times as much as PWM Expansion water. And it would make up 40 percent of the Cal Am water supply (assuming no PWM Expansion), which means it will drive water rates significantly higher. The second issue with MPWSP is that it is composed primarily of fixed costs (estimated at over \$30 million per year) that will

¹¹ If the 2023 rebound is only to the 5-year average water demand, 2050 water demand will be 10,186 afy.

¹² Assuming 6,252 af of production from MPWSP (full production).



need to be recovered regardless of how much water it produces. As the MPWMD Report notes, water from MPWSP becomes increasingly expensive if the facility is not running at full production (assumed to be 6,252 af¹³). If the variable (operating) cost of water from MPWSP costs about \$1,255 per af, then using MPWSP to provide the additional 1,500 af needed to meet 2023 demands means CalAm ratepayers will be paying the equivalent of an eye-popping amount of over \$21,000 per af for the desal water¹⁴.

There has been discussion regarding the economic impacts to the Monterey area of not having adequate water supplies. There has been extremely limited discussion on the other side of the equation – the economic shock to the area when the cost of MPWSP is recovered in water rates.

CalAm Monterey customers have the dubious distinction of having among the highest water bills in the country. The annual average water bill in the United States for a family of four using 50 gallons per person per day is about \$35 per month¹⁵. The average CalAm family (assumed to be 2.4 people) currently (2019) pays over \$93 per month¹⁶. When MPWSP becomes operational, average family bills are expected to jump to \$134 per month. This means that average CalAm customers will have about \$500 per year less in disposable income due to MPWSP.

The low-income customers in the area will be especially hard hit. Even though Cal Am has a Low-Income Ratepayer Assistance program (that reduces the water bill by about 30 percent), the advent of MPWSP jumps their bills from about \$75 currently to \$105 per month¹⁷. This means that low income customers will be paying almost 6 percent of their income for their water bills, having to work almost 10 hours per month at minimum wage to pay for water.

¹³ "Supply and Demand for Water on the Monterey Peninsula", prepared by Monterey Peninsula Water Management District, September 2019, pg. 14.

¹⁴ $(1500 \text{ af} * \$1,255 + \$30 \text{ M}) / 1500 \text{ af}$. While desal water is always the most expensive option for California water systems, the impacts do not have to be overwhelming. For example, the Carlsbad, California, Desalination Plant in San Diego County is the largest desalination plant in the western Hemisphere, producing nearly 50 million gallons per day (56,000 acre-feet per year). The cost (and water provided) is allocated among a number of water systems, so no one system receives an excessive rate shock. For example, Valley Center Municipal Water District contracted for about 12 percent of their water supply at \$2,800 per af from desal. The resultant rate increase was about 15 percent.

¹⁵ <https://www.statista.com/statistics/720418/average-monthly-cost-of-water-in-the-us/>

¹⁶ <https://amwater.com/caaw/customer-service-billing/billing-payment-info/water-rates/monterey-district/rate-design>.

¹⁷ Using the CalAM rate calculator of Monterey, assuming 4,000 gallons per month usage. <https://amwater.com/caaw/customer-service-billing-billing-payment-info-water-rates-bill-calc>



Conclusion

Using a reasonable forecast for future water demand (an immediate and permanent increase in demand of 881 afy as soon as new water supply is available in 2023 and an annual increase at the highest average system water increase growth rate in the history of the area) compared with water supply options, the expansion of the Pure Water Monterey project will meet area water demands through 2050 and at lower water rate impacts than the MPWSP. This is a similar conclusion to that reached by the MPWMD Report but arrived at using different assumptions. The fact that both approaches produce comparable conclusions enhances the validity of the MPWMD Report.

The MPWSP is simply too expensive water. Adding a capital project that costs an additional \$30M annually regardless of whether it operates or not and costs about \$1,255 per af when it does operate presents an unacceptable burden on the area, particularly when there are less expensive options available that will meet area water demands.



MARINA EXHIBIT 6

TECHNICAL MEMORANDUM

**RESPONSE TO THE AUGUST 18, 2020 TECHNICAL MEMORANDUM
PREPARED BY GEOSCIENCE SUPPORT SERVICES/AECOM REGARDING
DRAWDOWN IMPACTS OF THE MONTEREY PENINSULA WATER SUPPLY
PROJECT, ON SURFACE WATERS AND WETLANDS IN MARINA, CA**

PREPARED FOR: Layne Long, City Manager, City of Marina
PREPARED BY: Mike Tietze, PG, CHG, CEG, Stephen Carlton, PG, CHG, and Emily Tozzi, CPSS and Certified Arborist, Formation Environmental, LLC
DATE: August 23, 2020



At your request, Formation Environmental, LLC (Formation) has reviewed the August 18, 2020 technical memorandum prepared by Geoscience Support Services (GSS) and AECOM titled “*Understanding the Influence of Subsurface Aquifer Drawdown Upon Surface Waters and Wetlands for the Proposed Monterey Peninsula Water Supply Project*” (the GSS Memorandum). The GSS Memorandum was prepared on behalf of California American Water Company (CalAm) and presents CalAm’s comments on the technical memorandum prepared by Formation dated April 13, 2020 and titled “*Assessment and Protection of Groundwater Dependent Ecosystems near the Proposed Monterey Peninsula Water Supply Project Slant Wells, Marina, California*” (Formation 2020).

Our preliminary high-level responses to CalAm’s comments are presented below. These responses are being prepared in an expedited manner to make them available to decision makers at the earliest opportunity. Additional comments/responses may be provided in the future. The locations of monitoring wells and vernal ponds discussed below are included as Figures 1 and 2, respectively.

1. INTRODUCTION AND BACKGROUND

Formation’s April 13, 2020 Memorandum (Formation 2020) provided information regarding groundwater dependent ecosystems (GDEs) compiled to support preparation of the Groundwater Sustainability Plan (GSP) for the Marina Groundwater Sustainability Area (MGSA) Area of the 180/400 Foot Subbasin of the Salinas Valley Groundwater Basin. The Memorandum included an evaluation of existing data in accordance with guidelines developed by The Nature Conservancy (TNC) in collaboration with the California Department of Water Resources (DWR) to identify wetland and riparian resources that should be managed as GDEs (TNC 2018).

Formation's Memorandum also presented information from an additional evaluation of evapotranspiration (ET) and groundwater level trends to further assess the response of GDE vegetation to groundwater level declines. Additionally, the Memorandum presented information compiled from available planning documents, biological studies and public databases regarding the nature of GDE vegetation in the area that would potentially be affected by pumping of the slant wells for the proposed Monterey Peninsula Water Supply Project (MPWSP) and the general susceptibility of the existing vegetation to groundwater level declines. The Memorandum also identified data gaps and provided recommendations for further investigation, including installation of piezometers to assess the nature of the hydraulic interconnection between the Dune Sand Aquifer (DSA) and the identified GDEs, and biological assessment of the GDEs themselves to better understand their sensitivity to groundwater level declines and the nature of potential impacts that could result from groundwater extraction for the MPWSP.

The principal conclusions summarized in Formation's Memorandum are as follows:

- Evaluation of the existing data in accordance with available guidelines from TNC and DWR indicates that several vernal ponds in the Coastal Zone near the City of Marina should be considered and managed as GDEs.
- The available data indicate that pumping the proposed MPWSP slant wells can adversely affect these GDEs, potentially leading to vegetation stress, habitat degradation, and/or habitat loss. These effects would result in (1) potentially significant impacts to habitats and species in Environmentally Sensitive Habitat Areas (ESHA) protected under the Coastal Act; (2) potentially significant impacts under the California Environmental Quality Act (CEQA); (3) potential undesirable results under the Sustainable Groundwater Management Act (SGMA); and (4) potential adverse effects public trust resources (FBM 2019).
- Potential GDEs were not identified or evaluated in the Final Environmental Impact Report/ Environmental Impact Statement (Final EIR/EIS) prepared for the MPWSP, or in the supporting technical reports prepared by GSS and others (ESA 2018). As such, these GDE impacts represent new information that should be considered by the Coastal Commission in its consideration of the MPWSP.
- The Memorandum identified potential data gaps and the need for further investigation to support future management of the identified GDEs. Specifically, further investigation was recommended to assess the nature and degree of the hydraulic connection between the DSA and the identified GDEs, the extent of potential drawdown effects resulting from the MPWSP, and the nature of the GDE vegetation and habitat quality, and its susceptibility to groundwater drawdown.

After Formation's April 13, 2020 Memorandum was prepared, the City of Marina engaged WRA Environmental Consultants to investigate, collect data and assess the biological and hydrologic conditions at six of the seven vernal pond complexes discussed in the Formation Memorandum. WRA prepared a report titled "*Biological Resource and Groundwater Dependency Analysis of Marina Vernal*

Ponds” dated July 30, 2020 (WRA Report). WRA’s analysis included biological surveys and documentation of vegetation and habitat types in the wetland, pond and upland areas around each vernal pond. WRA also evaluated the hydrology and water quality at each pond, and excavated test pits to assess shallow soil and groundwater conditions. Based on this assessment, WRA concluded that vegetation at the ponds is in fact utilizing and relying on shallow groundwater. Urban runoff also contributes to the water demand of some of the ponds. The vegetation documented at the ponds includes some plants that are typically reliant on shallow groundwater, and a number of protected species, or habitat that could support them, were documented. This new information will be utilized, as appropriate, in responding to individual assertions made by the GSS Memorandum in the responses below.

2. COMMENTS

2.1. General Comments

The GSS Memorandum incorrectly claims that “... pumping from CalAm’s proposed slant wells is not anticipated to adversely affect the wetlands/ponds described by Formation. This conclusion is consistent with the findings of the California Public Utilities Commission (CPUC) MPWSP Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS). The CPUC concluded that the proposed slant wells would not affect a GDE due to the lack of hydrologic connectivity between these resources and the Dune Sand Aquifer. This finding is supported by the information contained in the CPUC’s MPWSP EIR/EIS”

To the contrary, the potential effects of the proposed project pumping on the identified ponds/wetlands were never evaluated in the Final EIR/EIS (ESA 2018). The concept of GDEs is not discussed, nor do the words “groundwater dependent ecosystem” even appear in the Final EIR/EIS for the MPWSP or the supporting reports. This is the first document we are aware of in which CalAm or its consultants have considered this potential impact.

The GSS Memorandum identifies several data gaps they perceive concerning the hydrology and hydrogeology of the identified GDEs, critiques the Formation Memorandum and offers supporting information. The primary data gap discussed by GSS is information to more precisely document the shallow hydrostratigraphy and groundwater conditions at the ponds. This data gap should have been addressed during preparation of the EIR/EIS for the MPWSP, but was not, and therefore some uncertainty remains regarding the extent of the ponds’ reliance on groundwater and their potential sensitivity to drawdown.

This data gap was previously recognized and discussed in the Formation Memorandum and the MGSA GSP, and the available data supported the conclusion that the vernal pond habitats should be considered groundwater dependent and could be adversely impacted by groundwater level declines. The operative conclusion of the GSS Memorandum appears to be that since some uncertainty remains regarding the nature of the shallow hydrostratigraphy and groundwater conditions at the ponds, data from wells located at significant distances from the ponds can be extrapolated to apply to the ponds and

conclude they are not groundwater connected and impacts to the ponds from MPWSP slant well pumping will be less than significant.

As discussed further below, we believe that this conclusion is unfounded, ignores the process recommended to evaluate groundwater dependency in the available guidance regarding GDEs, and in conflict with the requirements of CEQA, SGMA, the Coastal Act and the public trust doctrine. In addition, the conclusion relies on speculative extrapolation of some data, while ignoring studies of the local hydrostratigraphy and water quality that currently represent the best available science for this purpose. Specifically, as is the case with other submittals from CalAm and its consultants, the GSS Memorandum improperly ignores the findings of key technical investigations by a team of geophysicists led by Stanford University who used Aerial Electromagnetics (AEM) to investigate the three dimensional hydrostratigraphic and water quality conditions in the area. AEM is a well-accepted research technique that is being widely applied throughout California by DWR, local groundwater sustainability agencies (GSAs) and the United States Geological Survey (USGS) for just this purpose (Gottschalk et al. 2018).

2.2. Specific Comments

Specific areas of comment discussed in the GSS Memorandum include the identification of GDEs, Dune Sand Aquifer hydrostratigraphy (e.g., perched aquifer, hydraulic communication), interpretation of groundwater levels, and pond surface hydrology (e.g., agricultural inflow and urban runoff). Each topic is discussed further below in Assertion/Response format.

Identification of GDEs.

GSS Assertion: The GSS Memorandum asserts that *“Formation speculates that the seven wetlands/ponds identified in the Coastal/Vernal Pond Comprehensive Management Plan prepared by the habitat restoration group Mitchell Swanson and Associates (“S&A”) in 1994 could be groundwater dependent.”*

Response: The Formation Memorandum does not “speculate” that the vernal ponds are groundwater dependent. The information presented in Formation’s April 13 memorandum presents the results of a systematic evaluation that follows TNC and DWR-recommended procedures to determine if a potential GDE should be considered a GDE for groundwater management purposes. The fact that some data gaps may remain or even that future investigations may indicate more limited groundwater dependence is not relevant to this finding. The investigations to address these data gaps should have been performed during preparation of the Final EIR/EIS for the MPWSP but were not, and thus these questions must be addressed based on available data. Given the current scientific indications that the ponds are groundwater dependent, until/unless future investigations demonstrate that an identified resource is not groundwater dependent or will not be harmed by groundwater drawdown, the demonstrated potential for adverse impacts must be considered during impact analysis under CEQA and in making groundwater management decisions under SGMA.

This determination applies to each of the seven vernal ponds/pond complexes identified by the City and The Habitat Restoration Group. Formation conducted more detailed analysis of the Armstrong Ranch Pond Complex because it is closest to the MPWSP to provide more insight into the potential relationship between groundwater level decline and vegetation stress. This additional evaluation reinforced the determination made under the TNC/DWR guidance, but did not change that determination and was not required to determine which resources warrant management as GDEs. As such, the findings at Armstrong Ranch were not “extrapolated” to determine whether the other ponds should be managed as GDEs. That determination had already been made.

Hydrostratigraphy of the Dune Sand Aquifer.

GSS Assertion: The GSS Memorandum claims the Fort Ord-Salinas Valley Aquitard (FO-SVA) effectively separates an uppermost perched aquifer from the underlying Dune Sand Aquifer at each of the ponds.

Response: In making this determination, GSS uses a 2001 interpretation of the westward extent of the FO-SVA that contradicts data presented in its own reports prepared in 2016 in support of the MPWSP and summarized in a recent report prepared by Weiss Associates (Weiss 2020). Several cross sections and maps prepared by GSS in 2016 show the FO-SVA terminating significantly further east than shown in Figure 8 of the GSS Memorandum. These cross sections and maps show the FO-SVA either terminating, or with significant discontinuities, east of MW-7S and east of Del Monte Boulevard; whereas, the figure in the GSS Memorandum shows the FO-SVA extending over 2,000 feet further west. In addition, the outdated interpretation in the GSS Memorandum conflicts with the latest and most accurate scientific data generated by the AEM studies conducted by the Stanford geophysics team which demonstrate that the FO-SVA is discontinuous in this area (Gottschalk et al. 2019).

Instead, the GSS Memorandum cites data from several monitoring wells installed to investigate potential gasoline contamination at service stations in the City of Marina as supposedly conclusively demonstrating groundwater near the ponds in the City Limits is from the Perched “A” aquifer and not from the DSA, and that “*therefore MPWSP pumping will not have an impact on pond water levels.*” We disagree with this assessment because it conflicts with more recent and authoritative interpretations of the FO-SVA extent. In addition, definitive evaluation of GDE connection with shallow aquifers is typically accepted in the hydrogeologic community to require the installation of nested piezometers immediately adjacent to the resource, and the extrapolation of data gathered at greater distance for another purpose does not provide reliable data for decision making regarding these protected resources. We know of no monitoring wells or monitoring well clusters that have been installed close to any of the vernal ponds to investigate the local hydrostratigraphy and hydraulic connection between the ponds and underlying aquifers, so this information remains a data gap that should be addressed.

Extrapolation of data from monitoring wells constructed to assess the presence and migration of fuel contamination for distances up to 3,000 feet to infer conditions in a heterogenous environment is far from conclusive and is certainly of much less relevance than the AEM data regarding the three dimensional extent of the aquifers, aquitards and freshwater resources in the area, which represents the best available science for this purpose.

Interpretation of Groundwater Levels near the Armstrong Ponds.

GSS Assertion: The GSS Memorandum asserts that there are too few groundwater level control points to extrapolate water table elevations in the DSA near the Armstrong Pond Complex.

Response: This claim is perplexing because CalAm and GSS installed the existing monitoring well network near the MPWSP precisely for the purpose of assessing groundwater levels, flow directions and potential drawdown impacts and now appear to be undermining the use of the network they recommended for this purpose. Although we agree that evaluation of the GDEs in the Coastal Zone near Marina warrants a closer evaluation of the hydrostratigraphy, groundwater gradients and flow conditions near the ponds, such an evaluation does not, as yet, exist. We have therefore relied on the available data to assess, based on the available guidance and best available and accepted science, whether these ponds should be managed as GDEs.

Despite the claim that the available control points are insufficient for reliable water table extrapolation across the Armstrong Pond area, the GSS memorandum then goes on to extrapolate seasonal high groundwater level elevations in monitoring wells MW-4S and MW-7S across the pond area, and claim that analysis of three aerial images between 2016 and 2020 for evidence of surface water ponding proves that groundwater is not a source of water to the Armstrong Ponds. However, the use of this data is suspect and GSS's analysis does not seem to be on a firm scientific foundation, as they themselves point out that the extrapolation of groundwater levels between these relatively widely spaced points is uncertain. In addition, the aerial imagery data set used by GSS is limited to three images. Additional aerial images taken during different times of the year should be obtained and evaluated. Available satellite data could be used for this purpose. Finally, it is possible that an impeding layer could in fact be present that slows the discharge of groundwater.

A more robust site-specific analysis of hydrostratigraphy, groundwater levels and gradients, and the temporal changes in groundwater ponding and ET would be needed to draw more reliable conclusions. In the meantime the best-available data when applied in accordance with TNC and DWR guidance indicate the Armstrong Ponds should continue to be managed as a GDE. This was recently supported by the biological investigation performed by WRA Associates (WRA 2020), which found that the vegetation, soil conditions, hydrology and presence of shallow groundwater at the six ponds that were investigated was consistent with GDEs. Although the Armstrong ponds could not be accessed directly during that investigation, observations from the property line, aerial imagery and historical data from 1994 (The Habitat Group 1994) were consistent with this interpretation.

Pond Hydrology.

GSS Assertion: The GSS memorandum appears to broadly suppose that the availability of surface water to a wetland indicates it receives sufficient surface water supply to not be classified or managed as a GDE.

Response: Most GDEs are dependent on a combination of surface and groundwater. The surface water inflow component to the ponds in the City Limits that receive urban runoff and the agricultural runoff component of runoff to the Armstrong Pond complex has been previously acknowledged (e.g., The Habitat Group 1994, WRA 2020). The existence of these inflow components does not mean that groundwater does not provide a significant portion of the water used by these wetlands, and that these habitats would be harmed if that component were taken away. The ET analysis presented in Formation's 2019 memorandum examined summertime ET precisely for this reason, and indicates that ET discharge from the Armstrong Pond Complex during the dry season is most likely derived from groundwater.

The GSS Memorandum points to a lighter colored "halo" of hypothecated evaporite deposits at the Armstrong Ponds as evidence that surface water is ponding on a low permeability layer at the bottom of the pond and is therefore responsible for the water inflow. We note that the nature of these small reflectance contrasts in the aerial imagery has not been established and they could be derived from any number of causes, including the incident angle of the light on different surface materials, seasonal changes in vegetation life cycles, biological residues, etc. The presence of evaporite accumulations would be inconsistent with observations that the Armstrong Ponds are a seasonal freshwater wetland (The Habitat Group 1994, WRA 2020), which would typically be sensitive to elevated salinity. Nevertheless, even if the deposits were evaporites, such deposits are often associated with evaporative discharge of groundwater at the ground surface, which would support classifying the ponds as GDEs. As such the presence of evaporites, even if they exist, would be inconclusive.

3. CONCLUSIONS AND RECOMMENDATIONS

The GSS Memorandum is the first attempt by CalAm's consulting team at an evaluation of potential adverse impacts that could result to GDEs from operation of the proposed MPWSP slant wells. The analysis focuses on data gaps that should have been addressed during preparation of the EIR/EIS for the MPWSP, which did not include any efforts to identify GDEs or assess potential impacts to them. The information provided in the GSS Memorandum does not address these data gaps, and incorrectly dismisses the potential for adverse impacts to GDEs based on an incomplete understanding and inconclusive data. Further investigation should be required; however, performing such an investigation as an applicant-provided measure during implementation of the MPWSP would not satisfy the requirement of (1) CEQA to recognize and mitigate potentially significant impacts; (2) SGMA to prevent future undesirable results; (3) the Coastal Act to protect ESHA; or (4) the public trust doctrine to identify and avoid potential adverse impacts. To meet these objectives, the potential impacts of the MPWSP should be fully analyzed and addressed prior to project authorization.

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FIGURE 1

Location of MPWSP Site and Monitoring Wells

Comments on the GSS August 2020 Technical Memorandum

Legend

- ⊕ MPWSP Monitoring Wells
- ▭ (Solid Line) Approx. Location of CEMEX Plant Site and Marina GSA
- ▭ (Dashed Line) City of Marina
- ▭ (Thick Solid Line) 180/400 Foot Aquifer Subbasin

Sources: ESRI Map Service Imagery,
<https://sgma.water.ca.gov/portal/gsa>,
 MPWSP Monitoring Report #160 2019
 DATE: Aug. 12, 2020

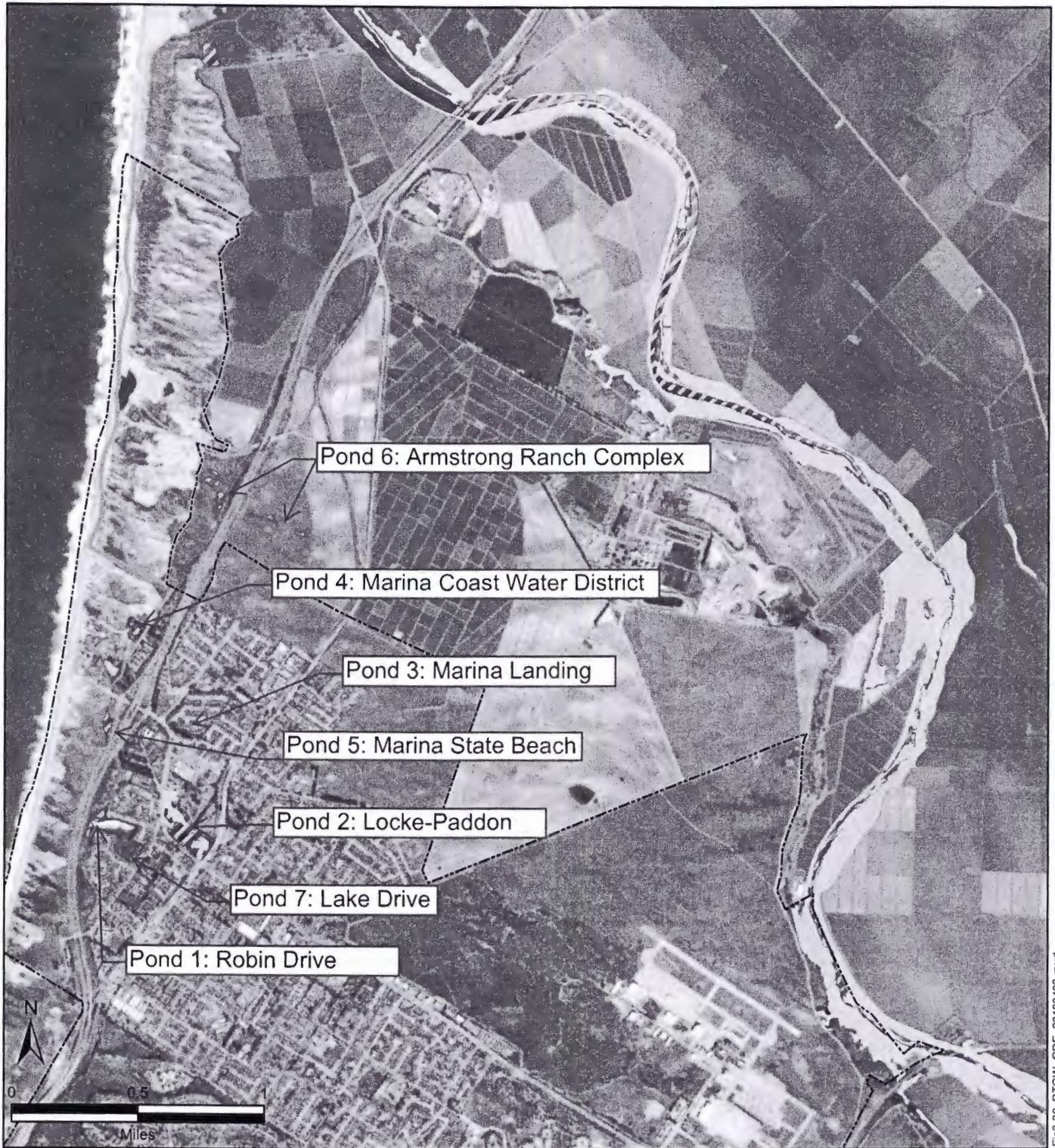


FIGURE 2

GDE Locations near the MPWSP Area

Comments on the GSS August 2020 Technical Memorandum

-  Groundwater Dependent Ecosystems - Wetlands
-  Cities
-  Groundwater Dependent Ecosystem - Vegetation
-  Approx City of Marina
GSA and CEMEX Site

DATE: Aug 13, 2020

Sources: ESRI Map Service Imagery, <https://sgma.water.ca.gov/portal/gsa>

August 22, 2020



Mr. Layne Long, City Manager
City of Marina
211 Hillcrest Avenue
Marina, CA 93933

Subject: Review of August 17, 2020 Technical Memorandum by Montgomery & Associates Titled "Groundwater Dependent Ecosystems and Interconnected Surface Water" Prepared for Salinas Valley Basin Groundwater Sustainability Agency, Monterey County, California

Dear Mr. Long:

As requested, Formation Environmental LLC (Formation) has reviewed the technical memorandum prepared by Montgomery & Associates (Montgomery) on behalf of Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) titled "Groundwater Dependent Ecosystems and Interconnected Surface Water" and dated August 17, 2020.

This letter presents our preliminary comments on the Montgomery Memorandum and is focused on: (1) what we deem to be an incorrect recommendation by Montgomery not to designate the Dune Sand Aquifer (DSA) as a Principal Aquifer during implementation of the Groundwater Sustainability Plan for the 180/400 Foot Aquifer Subbasin prepared by SVBGSA; (2) the improper use of groundwater levels in the 180-Foot Aquifer to confirm which "indicators of groundwater dependent ecosystems" (iGDE) should be managed as groundwater dependent ecosystems (GDEs); and (3) the failure to recognize GDEs in the shoreward portion of the subbasin due to an incorrect interpretation of the extent of the Fort Ord-Salinas Valley Aquitard (FO-SVA) not supported by the available data. We may provide more detailed comments at a later date under separate cover.

Designation of the Dune Sand Aquifer as a Principal Aquifer

Montgomery concludes that only aquifers identified as Principal Aquifers in Department of Water Resources (DWR) Bulletin 118 should be identified and managed as Principal Aquifers. This conclusion is flawed for several reasons:

- The GSP regulations state that " 'Principal Aquifers' refer to aquifers or aquifer systems that store, transmit, and yield significant or economic quantities of groundwater to wells, springs, or surface water systems" (23CCR § 351(aa)). GDEs include springs, seeps and surface water systems. Since the DSA yields water that maintains protected, environmentally sensitive GDEs and since it is capable of yielding significant quantities of groundwater designated as suitable for domestic and municipal use (Gottschalk et al. 2018), it should be considered a Principal Aquifer under this definition. This observation is consistent with comments the SVBGSA received from The Nature Conservancy (TNC) and the California Department of Fish and Wildlife. Furthermore, investigations of the distribution of freshwater in the shoreward portion of the aquifer system by a team of geophysicists from Stanford University (Gottschalk et al. 2018) have estimated that the DSA contains over 200,000 acre-feet of freshwater. The California Regional Water Quality Control Board, Central Coast Region, has commented to SVBGSA that such resources should be protected under SGMA.

FORMATION ENVIRONMENTAL, LLC
1631 Alhambra Boulevard, Suite 220
Sacramento, CA 95816

- DWR Bulletin 118 does not define Principal Aquifers. In fact, the term Principal Aquifer does not even appear in this document. By the definition that is being applied, any aquifer could be removed from consideration as a Principal Aquifer.
- Narrative guidance provided by TNC clearly indicates they recommend any aquifer that is hydraulically connected to GDEs and can be influenced by pumping is a Principal Aquifer that should be managed under SGMA (TNC 2018 and 2019). For example, in a discussion regarding Best Practices for Establishing a Connection to Groundwater, TNC states the following:

“If pumping is concentrated in deeper aquifers, SGMA still requires GSAs to sustainably manage groundwater resources in shallow aquifers, such as perched aquifers, that support springs, surface water, domestic wells, and GDEs. ... The goal of SGMA is to sustainably manage groundwater resources for current and future social, economic, and environmental benefits. While groundwater pumping may not be currently occurring in a shallower aquifer, use of this water may become more appealing and economically viable in future years as pumping restrictions are placed on the deeper production aquifers in the basin to meet the sustainable yield and criteria. Thus, identifying GDEs in the basin should be done irrespective to the amount of current pumping occurring in a particular aquifer, so that future impacts on GDEs due to new production can be avoided. A good rule of thumb to follow is: if groundwater can be pumped from a well - it’s an aquifer.” (TNC 2019).

Thus, by adopting a definition for Principal Aquifers from an appendix checklist without considering the written intent of the guidance or the applicable regulatory standards that designate it as a potential source of domestic or municipal supply, and then ignoring multiple clarifications and reiterations in TNC’s comments, the Montgomery memorandum adopts a definition for Principal Aquifers that is not supported by any guidance, regulations or the facts.

Improper Use of Groundwater Levels in the 180-Foot Aquifer

Contrary to the TNC and DWR guidance referenced above, the Montgomery memorandum relies on groundwater level measurements in the 180-Foot Aquifer, rather than the Dune Sand Aquifer, to assess whether iGDEs should be classified as GDEs. Instead, groundwater level data available for the DSA should be used for this purpose. Formation used this approach as summarized in our memorandum regarding GDEs in the Marina area (Formation 2020), and found that under TNC and DWR guidance (TNC 2018) there are several protected wetlands near the coast that should be managed as GDEs. This includes seven “vernal ponds” that are located in the Coastal Zone near the City and required to be managed as Environmentally Sensitive Habitat Areas (ESHA) under the California Coastal Act.

Incorrect Interpretation of the Extent of the Fort Ord-Salinas Valley Aquitard

The hydrogeologic conceptual model adopted in Montgomery’s Memorandum is that the FO-SVA is a continuous and uninterrupted aquitard that extends to the shoreward edge of the subbasin. This oversimplified interpretation has been disproven by studies completed by the Monterey County Water Resources Agency (MCWRA 2017), published geophysical investigations (Gottschalk 2018) and

investigations performed for the Monterey Peninsula Water Supply Project (Weiss 2020). The Memorandum improperly applies this flawed hydrogeologic conceptual model to categorically rule out the designation of iGDEs in the shoreward portion of the subbasin as GDEs, leaving them unmanaged and subject to potential irreversible harm.

The net effect of applying this incorrect and disproven hydrogeologic assumption is that Montgomery supposedly determines the protected vernal ponds in the Coastal Zone do not qualify as GDEs under the Sustainable Groundwater Management Act and need not be managed or protected relative to their groundwater dependence. However, since the best available science and applicable GDE guidance indicates these ponds should be recognized and managed as GDEs (see Formation's April 13, 2020 memorandum), this analysis is incorrect and should be disregarded.

Thank you for considering these comments. If you have any questions or would like to discuss these matters further, please contact the undersigned at (916) 200-9038.

Sincerely,
Formation Environmental LLC



Mike Tietze, PG, CHG, CEG
Senior Engineering Geologist/Hydrogeologist



REFERENCES

- Formation Environmental (Formation) 2020. *Technical Memorandum: Assessment and Protection of Groundwater Dependent Ecosystems near the Proposed Monterey Peninsula Water Supply Project Slant Wells, Marina, California*. April 13.
- I., R. Knight, T. Asch, J. Abraham, and J. Cannia, 2018. *Interpretation of Hydrostratigraphy and Water Quality from AEM Data Collected in the Northern Salinas Valley, CA*. Prepared for the Marina Coast Water District. March.
- MCWRA, 2017. *Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin*. Special Report Series 17-01. October.
- The Nature Conservancy (TNC), 2018. *Groundwater Dependent Ecosystems under the Sustainable Groundwater Management Act, Guidance for Preparing Groundwater Sustainability Plans: Groundwater Resource Hub, GDE Tools*: <https://groundwaterresourcehub.org/>.
- The Nature Conservancy (TNC), 2019. *Identifying GDEs Under SGMA, Best Practices for Using the NC Dataset*. July

Review of August 17, 2020 Memorandum from Montgomery & Associates
August 22, 2020
Page 4 of 4

Weiss Associates (Weiss), 2020. *Independent Evaluation, Modification, and Use of the North Marina Groundwater Model to Estimate Potential Aquifer Impacts Associate with the Monterey Peninsula Water Supply Project*. July 10.

DENY Desal Plant Project

Jean Rasch <jean@jeanrasch.com>

Fri 9/11/2020 9:38 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I support the staff recommendations to deny the De Novo permit and deny the coastal development permit, finding that Cal Am's desal plant project is inconsistent with relevant Coastal Act and LCP policies and that the Commission not approve the Project because the Pure Water Monterey Expansion is a feasible, less damaging alternative that will adequately provide water and protect the public welfare.

Please permanently deny Cal Am's oversized, overpriced desal plant project! We don't need a desal plant. It is not in the public interest because Cal Am's desal would double our water bills, which are already the highest priced water in America. Also, desal damages the environment by harming the coastal habitat and would draw groundwater from an overdrafted groundwater basin.

Pure Water Monterey Expansion is the feasible and environmentally preferable alternative. It will give us a new water supply much sooner than building a desal plant. Our current water supply from Pure Water Monterey ~ Phase 1 (3,500 acre-feet) ~ will allow us to stop illegal withdrawals from the Carmel River by December 2021 and will restore the Carmel River and protect the Steelhead. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal plant. The Expansion of Pure Water Monterey will provide a long-term sustainable water supply for decades of growth.

Cal Am is the only obstacle to the expansion of Pure Water Monterey. Cal Am is blocking it because it will not be profitable for them. Decisions must be made based on what is good for the community and its residents, not what is good for corporations and their stockholders!

Thank you for your consideration,

Sincerely,

Jean Rasch
Attorney at Law

3855 Via Nona Marie, Suite 204B
Carmel, CA 93923
831-625-3200 Phone

Deny DeSal project

Jennifer Colby <jennifercolbyphd@gmail.com>

Fri 9/11/2020 9:35 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear commission,

Cal Am Desal Project fails to qualify for special consideration.

Cal Am Desal Project fails the test as " the Pure Water Expansion project"

Project fails this test as denying it "would not adversely affect the public welfare. The Project would result in a number of adverse impacts, and there is also substantial uncertainty about the Project's long-term feasibility due to questions about return water obligations, groundwater rights, where future wells could be located once the initial ones need to be replaced, and costs, among other things. Denying the project is likely to lead to implementation of a project alternative that would benefit the public welfare."; Cal Am Desal Project fails the tests for special consideration as "the currently proposed mitigation does not yet meet the standard of impacts being mitigated to the maximum extent feasible." and it's adverse effects are not mitigated to the maximum extent feasible.

We do not need the Cal Am Desal Project and it is a highly flawed project. The Pure Water Project Expansion will meet our needs and is a wiser, sustainable, environmentally-sound, more cost-effective option.

Dr. Jennifer Colby

CSUMB Faculty and Local resident 32 years

elected official - President Aromas San Juan Unified School District

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

Katherine Biala <kybiala@icloud.com>

Fri 9/11/2020 9:27 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is Woong and I am a small business owner in Marina. I have tried to talk to many Korean people in Marina to write an email or speak. Many do not use computers, some do not have email, and many cannot speak or write English well. This is a very hard thing to ask them. Since I cannot meet with them in their home because of Covid-19, I cannot help them. I hope you understand.

But everyone is against CalAm! I speak for many Korean people who live in Marina.

Woong Huh
Businessman in Marina

25 Monterey County Elected Leaders Oppose Desal

September 11, 2020

California Coastal Commission
45 Fremont Street, Suite 2000 San Francisco, CA 94105
Via Email

RE: Application No. 9-19-0918 and Appeal No. A-3-MRA-19-0034 (Cal Am Desal)

Dear Chair Padilla and Commissioners,

We support your staff recommendation. Please deny the Coastal Development Permit for California American Water's proposed desalination facility.

Our community does not need this oversized, overpriced and environmentally damaging Project. It is not in the public interest. It would burden our community, especially our lower income households, with even higher water costs and perpetuate environmental injustice in Marina.

The expansion of Pure Water Monterey (PWM) is a feasible alternative sufficient to meet the Monterey Peninsula's future needs for the next 20 to 30 years. Pure Water Monterey – Phase 1 is already in operation. The Expansion could be constructed in approximately 20 months. Compared to Cal Am's desal project the PWM Expansion will save ratepayers approximately \$1 billion over 30 years.

Cal Am claims that its desal project is the only way to stop the illegal withdrawals from the Carmel River. We want to make it clear that while a new water supply is needed for future growth, it is not needed to end the illegal withdrawals from the Carmel River. The 3,500 acre-feet from Pure Water Monterey – Phase 1 will allow us to meet the state's December 2021 deadline.

Our current 5-year average withdrawal from the Carmel River is 6,314 acre-feet. Our legally allowed withdrawal is 3,376 acre-feet. As you can see, adding the new 3,500 acre-feet from Pure Water Monterey will meet the state's CDO requirement with a 562 acre-foot surplus. No new water supply is needed to stop illegal withdrawals from the Carmel River.

The health of the Carmel River has long been a concern. Through the work of our public agencies in bringing Pure Water Monterey online over the last 6 years, and the conservation efforts of our community, we have solved the problem. The credit goes to Monterey One Water and the Monterey Peninsula Water Management District (MPWMD), not to Cal Am.

For decades it has been MPWMD's responsibility to monitor and restore the Carmel River and to oversee water supply and conservation. No other agency is in a better position to report on the state of the River and our current water demand.

MPWMD was created by the legislature to find new water supplies through integrated management of surface and groundwater, conservation, and water reuse and reclamation. Including Pure Water Monterey, it has given us over 7,000 acre-feet of new water in the past 20 years. It is a highly competent agency.

The Supply and Demand Report produced by MPWMD is accurate and current. It tracks our history of water use and has shown that the PWM Expansion is more than sufficient to lift the Cease and Desist Order (CDO). Based on the most recent pumping and demand history, less than 800 acre-feet per year of new supply is required to do so – at 2,250 acre-feet per year, the PWM expansion is more than sufficient.

We have complete confidence in MPWMD. It has demonstrated success in solving our water supply issues, while Cal Am has not. Cal Am made no financial contribution to PWM phase 1 and will earn no profit on this water. Nor would it profit on the PWM Expansion. It would earn a 9.2% return on its proposed desal project. Please consider Cal Am's motivation in arguing against the Expansion.

The Pure Water Monterey Expansion is essentially ready to go. It would simply take a political decision – there are no physical barriers to this Project. All it requires is a decision to certify the Final SEIR, approval of the final design and bidding, and most importantly, a Water Purchase Agreement from Cal Am. If Cal Am wanted to move forward on this, all opposition by its political allies would evaporate.

While Pure Water Monterey – Phase 1 has solved the long-standing Carmel River problem, we still need a new water supply to lift the CDO and to supply water for housing, economic recovery and growth. Even if it were approved, Cal Am's desal project faces years of litigation over water rights. We cannot afford to wait.

Thank you for taking the time to understand these complex issues. In the interest of our coastal environment and our community, please deny Cal Am's permit.

Respectfully,

Senator Bill Monning, California State Senate, District 17

Jane Parker, Monterey County Supervisor District 4

Ian N. Oglesby, Mayor of Seaside

Clyde Roberson, Mayor of Monterey

Bruce Delgado, Mayor of Marina

Alison Kerr, Mayor of Del Rey Oaks

Jeff Baron, Carmel City Council

Jenny McAdams, Pacific Grove City Council

Jon Wizard, Seaside City Council

Jason Campbell, Seaside City Council

David Pacheco, Seaside City Council

Alan Haffa, Monterey City Council

Tyller Williamson, Monterey City Council

Gail Morton, Marina City Council, Mayor Pro Tem

Lisa A. Berkley, Marina City Council

Tom Moore, Marina Coast Water District Board, President
Jan Shriner, Marina Coast Water District Board, Vice President
Matthew Zefferman, Marina Coast Water District Board
Herbert Cortez, Marina Coast Water District Board
Regina Gage, VP, Salinas Valley Memorial Healthcare District Board
Rosalyn Green, Monterey Peninsula College, Board of Trustees
Alana Myles, Monterey Peninsula Unified School District, Board of Education
Wendy Root Askew, Monterey Peninsula Unified School District, Board of Education
Veronica Miramontes, Monterey Peninsula Unified School District, Board of Education
Dr. Amanda Whitmire, Monterey Peninsula Unified School District, Board of Education

Appeal No. A-3-MRA-19-0034 - DENY CalAm Desalination Project Permit (Marina)**Carol Lauderdale <dancergirl1966@gmail.com>**

Fri 9/11/2020 9:21 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>



To California Coastal Commissioners, Executive Director John Ainsworth and staff:

I have been a resident of the City of Marina since January, 1994, when I purchased my home very close to our beautiful Marina coastline. Marina is a wholesome, friendly and safe community, with a well-run city government and the best mayor (Bruce Delgado) that any community could hope for. The people here in Marina really care about our quality of life and look out for one another. I am currently retired from working nearly 50 years in law firms from Monterey to Los Angeles and back home again to the Monterey Peninsula. When I purchased my home I was still working, but as of four years ago, I am now retired. I live on a fixed income and Marina is the only affordable area on the Monterey Peninsula I can own a home in a nice neighborhood and feel safe. I carefully watch my health and take my daily walks along our coast to be sure I stay well. I am a single senior citizen and now stay home to myself since we are in the middle of the deadly COVID-19 pandemic. What happens in my neighborhood matters to me.

I am opposed to CalAm building a desal plant and drilling slant wells on Marina's beach to extract our groundwater. CalAm has no right to do this. Not a drop of that water will benefit Marina, it will be sold to CalAm's customers on the Peninsula. This project will harm our water source and coast. CalAm's project is environmentally unjust. It will destroy our pristine dunes and harm the Snowy plover birds that enjoy living and feeding off our seashore.

There are other options for CalAm to supply water to the communities of the Monterey Peninsula other than stealing Marina's water and contaminating our water table. We Marina residents want our clean and safe drinking water left alone! Please follow staff's recommendation to DENY Cal Am's application to build a desal plant in Marina and drill slant wells on our shoreline. Please help the Marina Coast Water District to conserve our drinking water for its residents, and preserve our beautiful dunes and wildlife, and save our pristine California coastline from destruction and being defaced. I strongly oppose this project and suggest that CalAm explore its other options, and come up with another plan that does not involve drilling on our sand dunes and stealing Marina's water!

Respectfully submitted,

Carol B. Lauderdale



Email: dancergirl1966@gmail.com

Tel: (831) 320-3775

Re: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalinization Project Permit

Gregory Furey <gefurey@aol.com>

Fri 9/11/2020 9:15 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

From: Gregory Furey <gefurey@aol.com>

Sent: Wed, Sep 9, 2020 2:38 pm

Subject: Appeal No. A-3-MRA-19-0034; Deny Cal Am Desalinization Project Permit

Dear California Coastal Commissioners; Executive Director John Ainsworth

My name is Greg Furey. I am a 21 year resident of Marina, I moved here from Southern California in 1998 when I accepted a promotional assignment from Cal Fire. I am retired now. The central focus of my life is currently the care and rehab of my stepdaughter, a UC Berkeley graduate who was raised in Marina but suffered

a life-altering brain injury when she was a passenger in a vehicle accident in 2015.

We do not want Cal Am's DeSal project to be situated on our coastline. It is an insult to our community that Cal Am

would choose to locate their ugly, unnecessary slant well pumps along our beautiful coastline. Why did they not locate their

wells along the coastline of a community they serve, instead of next to the beaches of Marina? The answer seems unpleasantly

obvious.

There are a reported 71 different dialects spoken in Marina, largely due to the town's historical affiliation with Ft. Ord.

"Back in the day", when an enlisted soldier returned to the US/Ft. Ord with a foreign bride, he was directed to Marina

as the "ideal place" to settle and raise a family. Keep in mind that even in the 1960's, there were deed restrictions buried in local

land use ordinances of Monterey Peninsula jurisdictions that prohibited persons of color from owning property in those communities.

We are still an "enlisted", working class town. Many of our older residents are the widows of those career soldiers who spent careers.

in the US Army. Their widows live on fixed incomes and cannot afford to be forced into the Cal AM "family" if our fragile water supply

is compromised by this unnecessary project. While there logically appears to be no existential need at this time for a project as expensive

and intrusive as Cal Am's proposed DeSal project, we simply DO NOT WANT IT HERE for any reason. To me, it would simply represent

an extension of the discriminatory socio-economic practices of the past and be a financial boondoggle imposed on its' customers and on our

little community.

Thank you for your service to all of our coastal communities.

Please Deny this harmful project!

Sincerely,

Greg Furey

gefurey@aim.com

DE NOVO APPEAL (A-3-MRA-19-0034) and CONSOLIDATED COASTAL DEVELOPMENT PERMIT (9-19-0198)

PETER LE <peter381@sbcglobal.net>

Fri 9/11/2020 9:14 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

September 11, 2020

California Coastal Commission

455 MARKET STREET, SUITE 228

SAN FRANCISCO, CA 94105-2219

Dear California Coastal Commissioners:

re: DE NOVO APPEAL (A-3-MRA-19-0034) and

CONSOLIDATED COASTAL DEVELOPMENT PERMIT (9-19-0198)

I have read the CCC staff reports and I ask you to deny both the above Appeal and the Consolidated Coastal Development permit application. The staff reports gave numerous reasons for the denial and I do not need to repeat.

But I want to add additional comments on the Areas of Uncertainty for the Pure Water Expansion alternative as described in the staff report, starting on page 141.

The CCC staff report failed to discuss the infeasibility of conveying or carrying the additional 2,250 AFY from the existing treatment plant in Marina to the new injection wells in Seaside.

The existing conveying system that currently carries the advanced treated water was designed to carry only 5,127 AFY which consists of 3,250 AFY for Monterey Peninsula Water Management District (to be sold to Cal Am) and 1,427 AFY for Marina Coast Water District.

This existing conveying pipeline was **NOT** designed to carry the additional 2,250 AFY for a total of 7,377 AFY.

Marina Coast Water District did OWN this existing conveying pipeline. Neither Monterey One Water nor Monterey Peninsula Water Management District owns the existing conveyance pipeline.

The CCC staff report **failed** to discuss this issue. Additionally, the CCC staff report did **not** include any engineering calculations or hydraulic models that prove that the additional 2,250 AFY could be carried by the existing conveyance pipeline.

The above comments are my own and they do not represent the views or opinions of any other individuals or any private or public organizations including Marina Coast Water District and its Board of Directors.

Sincerely,

Peter Le

Sent by email to calammonterey@coastal.ca.gov

This electronic mail (including any attachments) may contain information that is privileged, confidential, and/or otherwise protected from disclosure to anyone other than its intended recipient(s). Any dissemination or use of this electronic email or its contents (including any attachments) by persons other than the intended recipient(s) is strictly prohibited. If you have received this message in error, please notify us immediately by reply email so that we may correct our internal records. Please then delete the original message (including any attachments) in its entirety. Thank you.

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Irene Dorsey <idorsey11@gmail.com>**

Fri 9/11/2020 9:11 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff,

My name is Irene Dorsey. I am 70 years old, 37% Native American, and identify as Mexican. My husband, Jim, and I moved to Marina, from Los Angeles, just over two years ago.

My husband entered basic training at Ft. Ord almost 50-years to the day we bought our home in Marina. He never got to explore Monterey during his time here, but in our 49 years of marriage, he often reflected on the beauty and majesty of land, sea, and life he'd seen during his short stay here. When we retired and made our big move, we were beside ourselves that we were actually able to move to Monterey Bay. We'd worked hard all our lives, in pursuit of the old "American Dream," and were astonished, and grateful, to find that we could actually move here.

However, we started to hear, oftentimes, Marina referred to as a "disadvantaged" city, and we were puzzled. Then we came to realize that Marina lost so much of its population, business, etc. when Fort Ord closed, and we are proud of Marina's efforts to revive itself and to be "disadvantaged" no more. But now, we are faced with the indignity of having to fight for rights to our own water supply. To allow CalAm to come to Marina will only harm our water, and our dunes, and it will disrespect this city's efforts to thrive once again.

Please deny the CalAm Slant Well project!

Respectfully,

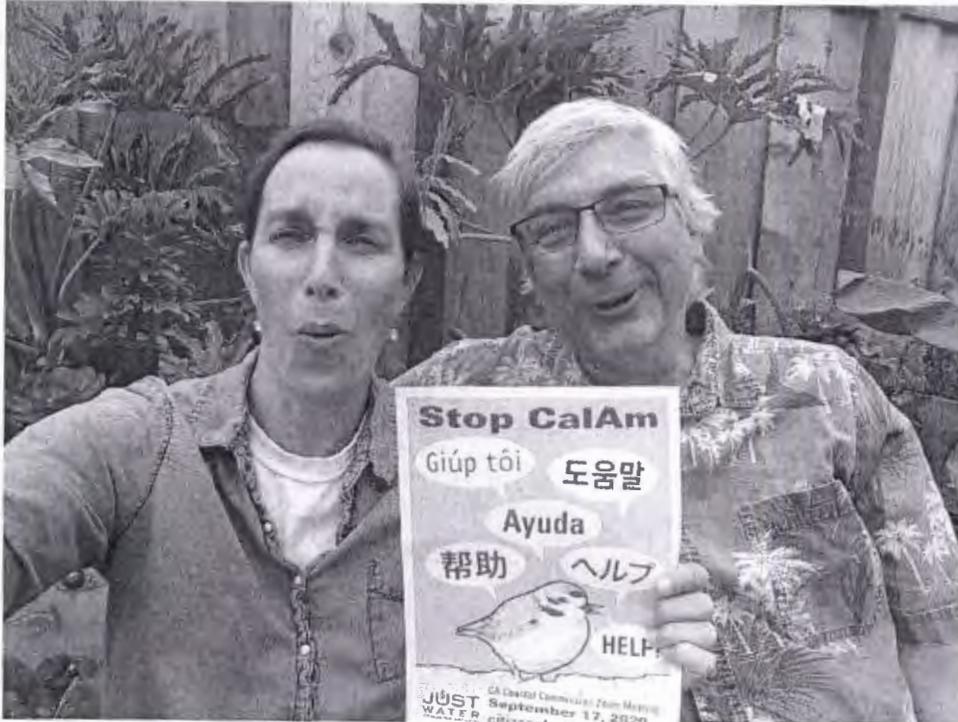
Irene B. Dorsey

Appeal No. A-3-M RA-19-0034; Deny CalAm Desalination Project Permit.

Rachel Christopherson <rachel.i.christo@gmail.com>

Fri 9/11/2020 9:10 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>



Dear CA Coastal Commissioners, Executive Director John Ainsworth and Staff,

My name is Rachel Christopherson, and I live in Seaside, CA with my husband Casey and our animal family. We both earn modest incomes: I work part-time at the Center for the Blue Economy/Middlebury Institute of International Studies as an administrator, and Casey works full-time tracking ships on the SF bay at the Marine Exchange. We love Seaside and our Monterey Bay community so much, and really appreciate the work of the California Coastal Commission and their staff. We would have a very different coastline if it were not for the mission of the CCC and the activists and politicians who helped set up the CCC serving the public good.

This project is exactly the type that needs CCC oversight and consideration. After the amicable closure of the Cemex sand mine on the same location, the community celebrated that the site would finally become accessible to the public, and restored to a safe haven from the endangered snowy plover and blue butterfly. I fear that if this CalAm project is allowed, we will see continued inaccessibility for the public, and endangerment of the natural environment.

More importantly, this project threatens the aquifer that Marina citizens rely upon for 100% of their drinking water, yet they would see no benefit from the project either in terms of water or economic gain. This is a classic case of environmental injustice: put the project in the poor section of the Monterey Bay, grab water rights, and offer no benefit to the local residents, extend no regard to their rights or well-being. This is systemic racism in action.

Finally, there is a very real economic argument to be made for leaving the beauty of nature intact. In the Monterey Bay, tourism is the number one industry in the area, and the second largest industry in the county. A 2018 report from the Monterey County Convention and Visitors Bureau showed visitor spending in the Monterey Bay supported over 25,000 jobs and generated \$135 million in local tax revenue. Although we are facing a downturn due to the pandemic, the long-term economic health and prosperity of our region depends upon the beauty of nature and the ability of people to access nature in a meaningful way. The beaches of Marina are among the least populous, most wild and beautiful in the area, and to place any industrial project on these dunes would be to endanger the economic future of Marina and the Monterey Bay area.

With the Pure Water, recycled alternative that provides plenty of water for the region both now and well into the future, we do not need this risky desal project. Additionally, with the passage

of Measure J and the feasibility study out soon, the community hopes to entirely take over the CalAm infrastructure, and free ourselves from the highest water rates in the U.S.

Please deny this harmful project! Thank you.

Rachel Christopherson
1542 Waring Street
Seaside, CA 93955
831-277-0529

Deny Cal Am Desal Plant Permit

Harriett Duarte <moonbowhad@aol.com>

Fri 9/11/2020 9:10 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am in full support of denying the permit for the Desalination Plant purposed by Cal Am.

A more affordable and less expensive solution to our local water problem is offered by the Public Water Monterey Expansion.

Sincerely,

Harriett Duarte

Carmel Valley, CA

Sent from my iPhone

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Amelia Murphy <afmurphy25@gmail.com>

Fri 9/11/2020 8:19 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>



Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff,

My name is Amelia Murphy and I have lived in Marina for many years. I am a college Biology and Chemistry Lab Coordinator, and my husband (Tim Thomas) teaches Biology and Environmental Science at CSUMB. We love our beautiful community and care deeply about protecting our local coastal habitats and the species that depend on them to stay alive.

As a concerned resident of Marina, I would like to express my strong support for the Coastal Commission Staff's recommendation to **deny** Cal Am's permit. Our pristine Marina beaches, with their many sensitive wildlife species such as the Western Snowy Plover (our official city shorebird), are no place for the harmful Cal-Am Slant Well Project. It is also very unjust that the Marina community would receive absolutely no water from this project, since all the desalinated water would be shipped to the Cal-Am Peninsula customers, at exorbitant prices.

The Pure Water Expansion is a feasible alternative to Cal-Am's Project, and is far more just and environmentally friendly. The Pure Water Expansion would avoid environmental burdens to the City of Marina, keep our precious wildlife safe, and also appears to have fewer significant hurdles to clear before it could be implemented.

Please deny Cal Am's very harmful project, protecting our water, our dunes and our wildlife. Although we have not requested to speak publicly, we will be attending the meeting on Sept.17 and look forward to seeing you there.

Sincerely,
Amelia Murphy and Tim Thomas

--
Amelia Murphy
910 Holovits Court
Marina, CA 93933
(510) 673-5046
afmurphy25@gmail.com

Items Th3a and Th4a : SUPPORT the Staff Report. DENY the Cal Am Desal Project

Carole Erickson <cje8270@gmail.com>

Fri 9/11/2020 8:27 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

From Carole Erickson, lifelong resident of Cal-Am territory of Monterey Peninsula.

Cal-Am has been in control of our local water for the 42 years in which users rates have skyrocketed while infrastructure and planning deteriorated.

The public wants to create a stable, affordable and secure supply of potable water managed by a local public agency with a commitment to responsible, not--for-profit, readily accessible community-based system that uses proven technologies and steals no water.

Carole Erickson
8270 El Camino Estrada
Carmel Valley, 93923

Coastal Commission Hearing, CalAm Desal

Anita Zaffuto <zannie563@gmail.com>

Fri 9/11/2020 8:23 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am voicing my strong opposition to the CalAm desal project. I have resided in the Marina area for more than five years. I am greatly concerned about the damage that the CalAm project will do to our environment, as well as the depletion and contamination dangers to our water system. The Pure Water Monterey project is a far better choice with less cost, and doesn't risk all of the coastal damage associated with the CalAm project.

Please do not allow the CalAm project to proceed.

Anita Zaffuto
East Garrison CA

Opposed to CalAm's proposed desal project in Marina

Jeff Morton <jmorton@chartwell.org>

Fri 9/11/2020 8:17 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission,

I am writing to express my opposition to CalAm's proposed desal project. As a resident of Marina, I am gravely concerned about CalAm's plan to take water from Marina's groundwater basin. The possibility that the basin could be depleted and/or contaminated is troubling to say the least, and running the risk is unnecessary.

I support the expansion of the Pure Water Monterey Project to meet the water demand. This option is less expensive and could meet the Monterey Peninsula's water needs using existing infrastructure and without compromising coastal ecosystem health.

I hope you will seriously consider this input and think carefully about the City of Marina, its inhabitants, and the overall ecological health of the coastline as you conduct your evaluation of CalAms desal proposal.

Jeff Morton
923 Holovits Court
Marina, CA 93933
720-232-0789

--

High School Science Teacher
Chartwell School

Decline Calam Desal Project Permit

Ken Robins <kenarobins@gmail.com>

Fri 9/11/2020 8:13 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am writing to say that I am completely unequivocal about my request that your Decline the Calam Desal Project permit - the majority of our voters are against it. Thank you kindly, Ken Robins Carmel Valley Ca. 93924.

Public Comment on September 2020 Agenda Item undefined 4a - Application No. 9-19-0918 (California American Water Co., Seaside, Monterey Co.)

Juli Hofmann <jhofmann@redshift.com>

Fri 9/11/2020 8:10 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Subject: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.



Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

I have been a resident of Marina since 1995 and love this sleepy little coastal community. Several years ago I became aware that the California American Water Company had intentions to site a Desalination plant that was designed to utilize Marina's groundwater resources on the CEMEX property. I want to thank your staff for their careful work in exposing the lies that have allowed this project to proceed to benefit the few and not the many.

I participated in the CPUC hearing in November of 2017 which culminated in the approval of the Final Environmental Impact report for the CalAm experimental Slant Well project. It was appalling to witness the obvious bias that the Administrative Law Judges had for rubber stamping the project against numerous objections from multiple parties. A room full of special interests carved up our ancient dunes with no regard to our diverse community, water rights, city local coastal plan, the CEMEX agreement of coastal access for all, loss of habitat and threatened wildlife, or our future as the peninsula city with the largest projected growth for population. It cannot be denied that our community had little power to influence compared to a deep pocketed corporation that has had behind the scenes ear(s) of every relevant agency since the inception of the project. Our protests predictably fell on deaf ears.

So fast forward a few years; our citizen group has made many trips to all agencies, people of power and generally anyone who would listen. It was an uphill battle to make our position of Environmental Injustice known - even in our own community! When the 2019 Coastal Commission staff report so clearly articulated MANY of the problematic issues with this project, it gave great hope. We dared to believe justice would prevail and end this unnecessary self-serving water project. But, that did not happen in November. We went home without an answer—**would our community be forced to bear the brunt of a project that offered no benefits yet many risks?**

The new staff report is out, and I applaud the scrutiny given to this project that now requires a final decision. Coastal Commissioners: please look carefully at your staff findings. I believe that your staff has done a thorough review of the facts unlike the CPUC who based their decision solely on information promoted in the FEIR by CalAm. Please consider this project the Beta test for the CCC new Environmental Policy. Will you Walk the Talk and find this project and its damages unacceptable? I hope so. I hope science and reason finally prevail.

Large projects like this one will always have detractors, but the CalAm Slant Well project does not serve the best long term shared interests of the peninsula and greater region. If approved, the effects on all of our communities and environment will alter any future envisioned. The project impacts have parallels to the 1965 plans to build the Humble Oil Refinery in Moss Landing that was ardently opposed by local communities. Ansel Adams, the photographer commented that:

"It is not just the Humble Oil refinery we're fighting at Moss Landing. It is the whole industrial complex which will inevitably follow and change the whole complexion of (the region)."

This is the crux of the project before you—there will be far reaching consequences that will define the region for years to come. Do the benefits to ALL outweigh the losses? I think the evidence is clear, the losses are manifold and cannot be simply mitigated away. Our shared water issues are regional and will not be served by this improvident project. Desalination should be a last resort when more nimble, cost effective solutions are available. The Pure Water Monterey Recycled Water expansion IS a cooperative solution for the region and should be promoted over CalAm's bloated, experimental, expensive boondoggle.

I urge you to deny the CalAm Application No.9-19-0918 for all of the thoroughly documented reasons your staff has presented. Also, don't forget to deny the Appeal No. A-3-MRA-19-0034 for unnecessary infrastructure no longer required.

Thank you for your service.

Juli Hofmann
Citizens for Just Water

Deny Cal-Am's Desal Project - Items Th3a/Th4a

The Rev. Linda McConnell <revlinda@goodshepherdcorral.org>

Fri 9/11/2020 8:08 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

We are in the middle of the effects of environmental disaster brought on by years of bad policy making. Do not add to our woes with the Desal project, particularly when there are good alternatives available.

Sincerely,

Linda McConnell

The Rev. Linda McConnell
Rector, Church of the Good Shepherd
Goodshepherdcorral.org

Oppose CalAm desalination project

Layne Long <llong@cityofmarina.org>

Fri 9/11/2020 8:02 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am a resident of Marina, and I oppose the CalAm desalination project.

Sent from my iPhone

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Gord <gordykfrog@comcast.net>

Fri 9/11/2020 7:55 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

To Whom It May Concern:

We are writing you concerning the Coastal Commission's upcoming consideration of the approval/denial of the Cal-Am permit for its proposed desalination project. We strongly ask that the Commissions deny Cal-Am's permit as there is clearly a much more financially and environmentally superior proposal put forward by Pure Water Expansion.

As the Monterey Peninsula Water Management District has clearly demonstrated, a critical problem with the desalination facility is that it would generate much more water than is foreseeably demanded. This would raise water rates substantially because smaller delivered quantities of desalinated water would have to cover the same large, fixed costs. Even with the extremely optimistic demand at three times the historic absorption rate, the desalination plant will not run at capacity in this century. The Water Management District concluded that Pure Water Monterey expansion is sufficient until 2043 with demand at three times the historic absorption rate.

Additionally as the Coastal Commission staff report says, "after weighing the evidence in the record at this time, that the Pure Water Expansion is a feasible alternative to Cal-Am's Project, will allow Cal-Am to cease its illegal water withdrawals from the Carmel River and meet the region's water needs, and is the preferable, least environmentally damaging alternative. The Pure Water Expansion would also result in fewer environmental and economic burdens to the communities of concern within Cal-Am's service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented. "

We ask that you support your staff's recommendation to deny the Cal-Am's desalination project so that the Pure Water Monterey expansion can be brought online as soon as possible. Thank you for your attention to this matter.

Edwina F. Bent
Gordon G. Kauhanen
1165 Castro Road
Monterey, CA 93940

Rudy Fischer

59 Country Club Gate
Pacific Grove, CA 93950
(831) 236-3431

Web Site: rudyfischer@earthlink.net
E-Mail: www.rudyfischer.com

Chair Steve Padilla and members of the California Coastal Commission;

I am a former Pacific Grove Council Member (until 2018) and former Board member of Monterey One Water (M1W). I was Board Chair of M1W for two years, during which time the Pure Water Monterey project was approved and construction started. It is now on-line and producing potable water and, once fully operational, is expected to supply the Monterey Peninsula cities with about 35% of our water. But it has not yet produced that amount of water, and likely will not in the near term.

The shallow wells Pure Water Monterey (PWM) is using are calculated to inject 500 gallons per minute into the aquifer but have actually been injecting much less (and one well has subsidence issues and needs to be stabilized). The two deep injection wells were expected to inject 1,000 gallons per minute but are only injecting 635 gallons and 775 gallons respectively.

As a result, the Agency is seeking to add another deep well (it should actually have two more). Even if the next well injects an average of the others, that will only be 705 GPM. That means the deep injection wells will probably inject only 2,115 GPM versus the hoped for 3,000 GPM. I have confidence that the agency will get to the 3,500 gpm, but let's not count on an expansion until it does the primary job first.

Staff also makes misstatements or errors in logic as far as demand for water on the Monterey Peninsula (page 125-126). There is, indeed, a great deal of pent up demand. Speak to anyone on a city council, any mayor, or any City Manager on the Peninsula and you will find they all have issues around water. Many are advocating for the building of affordable housing, but we cannot build affordable housing if we cannot build even market rate housing because of a lack of water. And without more housing - and more affordable housing - we are going to continue to have major issues on the Monterey Peninsula with residents who have to share housing or who can't find housing locally.

This is not for growth in the sense of bringing in people from elsewhere (as some of the opponents believe) but is needed affordable housing for workers who are already here supporting the cities and their economies.

Cities all over the Peninsula are looking for ways to add workforce and affordable housing. Monterey, for instance, wants to build some affordable housing over on Garden Road. Seaside is trying to build the Campus Town development, much of which provides

affordable housing for people who live here right now. Water has been part of the struggle of getting all of these projects approved and built.

Right up the road we have Cal State University Monterey Bay, which is a growing university. Their students and professors need housing but are having a hard time finding it. The Monterey Herald reported on Thursday, September 10, 2020 that the University is starting construction on a four story student housing project. Even so, the article explains that the university has 7,400 students but only housing for 3,600 of them. Though some students do live off campus, the Vice President of Student Affairs stated that “7-8% of students need more housing”.

As a result, any excess of water will not last for 20 years as staff and local water project opponents claim, but more like 6-10 years. Staff demeans the claim of “pent up demand”, but they are wrong and they don’t live here.

If you look at NextDoor on the internet, you often see people who are begging to find a home – even for a short time - to do research at Hopkins or to teach at our schools. How do we expect to find good teachers for our kids if they can’t find affordable housing?

Several years ago the Community Hospital of Monterey bought an apartment building at 230 Lighthouse from Carl Outzen for their employees only. Their doctors and nurses can’t find housing and, after working for a short time, just quit and leave the area. How can we expect the excellent health care we benefit from to continue if nurses and doctors can’t find housing?

We have doctors, nurses, teachers, police officers, and firefighters living in other communities because they can’t find housing near their jobs here. These people end up having to live somewhere else and commute to their jobs – adding pollution to the environment in the process. The shortage of water is negatively affecting our public safety, our health, and our children’s education.

While we still need to develop more water, this isn’t just about water. It is about our quality of life and taking care of our residents.

Staff also speaks of “high water availability” locally over the last 20 years (page 125). This is absolutely false! The Monterey Peninsula has been under water restrictions for the last 25 years. In my city of Pacific Grove we have had people on the city’s “Water Wait List” for up to ten years. We have two people I know of who have properties and building plans approved but cannot build because of a lack of water. We have hundreds of in-fill Lots of Record in our cities where people want to build. There will be building, but it will mostly be in-fill building.

We on the Monterey Peninsula need to have the ability – the option – to make sure we have the water we need both now and in the future. If you reject desal project totally, we may not have that option. You will have taken one leg from our multi legged stool and made our situation more unstable.

The opponents of desal present this as a choice between desal and Pure Water Monterey. I don't believe it is that simple.

Whether in the future we go through another draught, run into a problem with the Las Padres Dam, have problems with the wells in the aquifer, or some other kind of problem; we need to have the option to look at other projects – including desal.

I believe the Pure Water Monterey Plant is a great project which will produce what it is expected to eventually. But it has not yet produced 3,500 acre feet a year in the past as we need it to do.

Our Monterey Peninsula Water Management District (MPWMD) has also taken great strides in supplementing the areas water supply. It's Aquifer Storage and Recovery project has gotten much better over the years and now produces close to the 1,300 afy projected. Together these public agencies will be able to produce almost half the water the Peninsula currently needs from new projects.

Some of our traditional sources make up much of the rest. But, like most areas, there will be some natural growth in needs. We may not know what that will be, but are we actually going to argue about the very maximum amount of water we should have access to?

If we start the EIR process for another desal plant again in the future, it will take another 15 years and tens of millions of dollars to get to where we are right now. You may want to put some constraints on the plant, but please don't totally dismiss desal and take away the option of local water experts to take care of the Monterey Peninsula's water needs.

We may not need as large a plant, and the source water wells should certainly be located elsewhere (though I would point out it was your agency which insisted on slant wells), but let's not reject desal totally. Have them put the wells elsewhere, direct that it is smaller – or even publicly owned - but please don't totally dismiss desal and take away the option of local water experts to take care of the Monterey Peninsula's water needs.

Whether built by Cal Am or one of the public agencies (my preferred option) we need to have the ability to build a small (but expandable as the need arises) desal plant in the future.

If you have any questions or wish to discuss this or any other matter, please feel free to call me at (831) 236-3431 or e-mail me at rudyfischer@earthlink.net.

Regards,

Rudy Fischer

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Mary Rogers <uutalkin46@gmail.com>

Fri 9/11/2020 7:44 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

California Coastal Commission:

As a resident of Monterey County I strongly support the expansion of the Pure Water Montgomery's proposal for an advanced recycling plant. It is a sensible and economical solution to Monterey's water problems, which must be addressed in the near future. The drawing down of the Carmel River cannot be allowed to continue.

Sincerely

Rev. Mary Rogers
194 Del Mesa Carmel
Carmel, CA 93923
831-574-8265
uutalkin46@gmail.com

Please vote NO on the CalAm Desal Plant

Pat Venza <patvenza@me.com>

Fri 9/11/2020 7:43 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners: As a Monterey Peninsula resident I have watched the developments for/against the CalAm desal plant for years now. With the Monterey One Water recycling in place, and ever more water available if the expansion is signed by CalAm, there is no need for this very costly, environmentally unsound desal plant.

As the commission that is in place to protect our coast I have not seen, or heard, any positive environmental reason for this hugely expensive project. The residents do not want it. It is not only environmentally terrible, but also pits one community against another. Marina should not be losing its water source in order to provide water to the Monterey Peninsula and Castroville. This is socially unsound.

I thank your staff for its great work on evaluating the desal plant. Two separate reviews came up with the same conclusion....this desal plant is not needed and will be environmentally a bad choice.

Patricia R. Venza
241 Soledad Dr.
Monterey, CA. 93940

Cal Am

Laura Blanton <laurablanton@sbcglobal.net>

Fri 9/11/2020 7:32 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please vote to deny Cal Am's Desal plant in Marina. To take water from Marina's aquifers and sell it the Peninsula has the potential to devastate our aquifers and make Marina's water unusable, then forcing our residents to buy water back from Cal Am at a much higher rate.

Vote against Cal Am.

Bill and Laura Blanton
Marina, CA 93933

Cal Am

Laura Blanton <laurablanton@sbcglobal.net>

Fri 9/11/2020 7:32 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please vote to deny Cal Am's Desal plant in Marina. To take water from Marina's aquifers and sell it the Peninsula has the potential to devastate our aquifers and make Marina's water unusable, then forcing our residents to buy water back from Cal Am at a much higher rate.

Vote against Cal Am.

Bill and Laura Blanton
Marina, CA 93933

September 2020 agenda item 3a-Appeal No. A-3-MRA-19-0034 Deny Cal Am!**Karen <kla1105@earthlink.net>**

Fri 9/11/2020 7:29 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

My name is Karen Andersen and I moved to Marina because I could afford to live here on a fixed income, I prefer to live in a diverse community, and I appreciate the many local environmentally-conscious organizations I could join.

I also knew my water company, MCWD, was publicly owned. I soon met the water conservationist on their staff, who helped me apply to the CA DWR program to convert my front lawn into local habitat typical of the Fort Ord National Monument. I also soon learned of the shareholder-owned water company trying to dip long straws into Marina's aquifers, and joined the resistance movement.

Please deny Cal Am's permit application.

I am looking forward to the removal of the hugely destructive Cemex sand mining facility, and rehabilitation of the coast. Please don't replace one industry with an even more destructive one. Please join me in looking forward to the day when families will visit the beach from this location, read the signs about the restoration process, and notice the seal of the California Coastal Commission among the others when they discover another gem along Marina's shores.

Thank you,
Karen Andersen



Sent from my iPhone

DENY CALAM'S PERMIT FOR DESAL PLANT

Richard Dauphine <richard.dauphine@gmail.com>

Fri 9/11/2020 7:29 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear People'

I am a resident of Carmel and Monterey. I have been closely following the CaLAm proposal for a Desal plant to provide water to our area and have read the reports.

I hope you agree with the recommendation to **deny** the Deal plant permit: Desal water is not necessary for our area at this time and the impact of the proposed plant, both to the environment and our pocketbooks is unjustified.

Thank you,

Richard Dauphine

980 Cass Street

Monterey, CA 93940

MONTEREY COUNTY



BOARD OF SUPERVISORS

MARY L. ADAMS, SUPERVISOR – FIFTH DISTRICT

1200 Aguajito Road, Suite #1, Monterey, CA 93940

E-mail: District5@co.monterey.ca.us

Phone: (831) 647-7755

September 11, 2020

Via e-mail: CalAmMonterey@coastal.ca.gov

Hon. Steve Padilla, Chair and Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Attn: Tom Luster

Re: Application No. 9-19-0918, Appeal No. A-3-MRA-19-0034 (California American Water Co., Marina)

Dear Chair Padilla and Commissioners:

In the face of the raging fires and the devastating impact of COVID-19, your focus on the other critical issue facing Monterey County is so appreciated. We have many challenges in our state right now which makes the work you are doing even more important. And the outcome of your deliberations today will have as severe an impact on the residents of our county as these other incredible problems are having.

Access to safe and affordable water is the most important issue facing our community. New water supplies are needed if we want to be able to thrive. Workforce housing, economic development, business expansion and human commodity rely on a sustainable and affordable source of water.

The primary reason for this desalination project, however, is to end Cal-Am's illegal diversions on the Carmel River and to reduce pumping in the Seaside Groundwater Basin as mandated in its adjudication decision. I take the State Water Resources Control Board Cease and Desist Order very seriously, as it would have dramatic consequences for our residents and our economy. Without a replacement water supply, the health of the Carmel River and the species that depend on it will continue to be endangered, and the Seaside Groundwater Basin could be at risk of further seawater intrusion.

While the desalination project has been planned mostly for Cal-Am's service area, it would impact the neighboring Marina community. Implementation of a desalination project should not be done to their detriment. I appreciate the Coastal Commission's

environmental justice analysis and the consideration for communities of concern in Marina, Seaside and Castroville.

As the District 5 Monterey County Supervisor, residents in my district will carry most of the costly burden of this project, so I am especially vested in the outcome of your decision. The CCC staff's reasoning in recommending denial of the appeal and application reflects the concerns I have expressed about the project for quite some time.

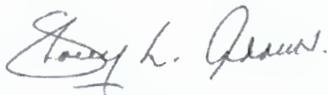
The environmental justice analysis addresses one of my primary concerns about the project – the cost and its impact to Cal-Am's ratepayers. In addition to the communities of concern included in the staff report, within my supervisorial district, I am concerned about the cost to seniors and the many people on fixed incomes who would be greatly burdened by the increased cost of water as a result of the proposed project.

Monterey County, Marina Coast Water District and California American Water lost a true opportunity some years ago with the failed Regional Desal project. The public mistrust about this current project is an ongoing reminder of those unfortunate decisions. I firmly believe that desalination will be needed in our future, even with Pure Water Monterey expansion. A thoughtful regional approach, towards a project serving a larger area that includes the Monterey Peninsula and Seaside Basin, along with the City of Marina and other urbanized areas in the Salinas Valley Basin that face loss of their water supplies due to seawater intrusion, is needed for a prudent long range solution in Monterey County. Such a regional approach, led by public agencies, would also reduce the significant costs that Cal-Am's project would impose on the ratepayers in my district and throughout our county.

As recommended, the Pure Water Monterey Expansion can serve as a bridge to meet the near term requirements of the CDO until a regional desalination project can be developed, as opposed to this unbearably expensive Cal-Am project.

Thank you for your consideration of these comments and for the incredible amount of time, thought, and diligence you give all projects that come before you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary L. Adams".

Mary L. Adams
Board of Supervisors
Fifth District

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

catrina blair <mrscatrinablair@gmail.com>

Fri 9/11/2020 7:16 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff,
Thank you so much for taking the time to listen to all the concerns of our local citizens. I know you have given this issue substantial attention because you see how much we care about the

issue and I appreciate all your hard work and dedication.



My family and I have lived in Marina for almost a decade. We love our city and were so happy the Cementex Mine has been ordered to shut down so the land may be restored to natural

habitat.

We do not want Cal Am to place its slant wells in our city, especially when we have no guarantee our ground water will remain safe nor do we fully know the impact it could have on the endangered Snowy Plovers.

Please hear the voices of Marina and deny the Cal Am slant well project, at least until we can have a thorough guarantee our natural environment and our ground water basin will not be negatively impacted.

Thank you so much for your time and consideration,
Catrina Blair

Letter to Commissioners for Sept. 17th Meeting

susan schiavone <s.schiavone@sbcglobal.net>

Fri 9/11/2020 7:13 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

This letter is from Robert McGinley who is using my email to send it. S.Schiavone

September 11, 2020

Chair Steve Padilla & Commissioners
California Coastal Commission
455 Market St., Suite 300
San Francisco, CA 94105

Re: California American Coastal Permit

Dear Chair Padilla and Commissioners:

I am a resident of Seaside, Ca and a CalAm ratepayer. I am firmly opposed to CalAm's desalination project. it is an overly large and overly expensive boondoggle that will guarantee profits to an international corporation while exponentially increasing costs to CalAm's customers (especially those burdened with a 4 tier rate system). CalAm's desal plant has the potential to cause permanent harm to the water supply of the city of Marina.

This project will cause further harm to the California Coastal habitat, dunes habitat and vernal ponds. Thereby increasing the vulnerability of the Snowy Plover to extinction and harming all the other plants and animals of these habitats. This project is not a necessary component of the Carmel river and Seaside basin (both damaged by CalAm's illegal withdrawals of water) restorations as adequate water for these endeavors is available from an alternative project already adding water to the Seaside aquifer.

The more economical, environmentally sensitive and just alternative is the Pure Water Monterey Project that is now producing potable water and able to expand its production to meet the needs of the CalAm water area while restoring water to the Seaside basin and allowing the cessation of illegal water withdrawals from the Carmel River for the next 20 - 30 years.

As you know this application has drawn considerable attention to the concept of environmental justice. The Coastal commission has been enjoined to "consider Environmental Justice or the equitable distribution of environmental benefits throughout the state". Environmental justice depends on hearing the voices of those who will suffer the adverse impacts. I believe there is a loud and clear call for environmental justice to be a significant part of your decision. Denial of this application will demonstrate that California's environmental justice policy encoded

in the Coastal act is not just fine sounding words on paper but a very real objective of our society.

The Coastal Commission's staff report provides the detail you need to arrive at a just decision; please deny the application for this poorly conceived overly expensive and environmentally unjust project.

Respectfully yours,

Robert McGinley
Seaside, Ca

Items Th3a and Th4a -SUPPORT the Staff Report. DENY the Cal Am Desal Project

Mibs McCarthy <mibsmccarthy@comcast.net>

Fri 9/11/2020 7:11 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Cc: Materials <materials@coastal.ca.gov>

My name is Mibs McCarthy, and I live in Carmel Valley. I oppose the Cal Am Desal Project because it is not needed and is not in the public interest. Pure Water Monterey Expansion is the feasible and environmentally preferable alternative. Our current water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to stop illegal withdrawals from the Carmel River by 2021. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal or the PWM Expansion. Please support the Coastal Commission staff report. Thank you.

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

Margo Hohulin <ashland95@gmail.com>

Fri 9/11/2020 6:59 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 1 attachments (690 KB)

Hohulin_Desal_Photo.jpeg;

Dear CA Coastal Commissioners, Executive Director John Ainsworth and Staff:

Our names are John and Margo Hohulin, and we are residents of Marina. We moved to Marina in January 2019 from the San Francisco Bay area, because we were drawn to the natural beauty that Marina has to offer. We chose this area to retire to in the coming years, after we stop working. John has already stopped working involuntarily due to his recent layoff due to COVID-19 and Margo works full-time, but is currently on medical leave due to a recent medical diagnosis which is impacting our entire family and taking our time to manage.

As a result of our current challenges, we won't be able to speak at the September 17 meeting, but ask that you make the right decision which protects Marina residents from the impacts of this proposed Cal Am Desalination project.

Please deny this harmful project. Thank you!

Margo and John Hohulin
3008 Bluffs Drive
Marina, CA

To: CalAmMonterey@coastal.ca.gov

From: Ms. Mystère Sapia

Date: 11 SEP 2020

Subject: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

First and foremost, I hope that this communications finds you and your families in excellent health!

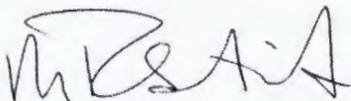
My name is Mystère Sapia. Jim and I are residents at 3054 Mildred Court, Marina, CA. We returned to the area about 17 years ago when my work brought us back. Jim is a Chef and I am a Contracts Manager for a small software firm. We are both involved with local community groups, and we love the people and the peninsula.

We have been following Cal Am's management of projects throughout Monterey County for a number of years. This includes their proposed desalination project. We are very familiar with the facts and fiction, and we suspect there is much more to the story. However, the information that no one can dispute is that the proposed CalAm desalination project will harm our environment and the citizens of our peninsula.

Please deny this harmful project.

Thank you for your consideration

V/r,



Ms. Mystère Sapia

Mssapia@gmail.com; 831.403.3959



Deny Cal-Am's Desal Project - Items Th3a/Th4a

Deanna Lynn <deamarily@gmail.com>

Fri 9/11/2020 6:51 PM

To: Materials <materials@coastal.ca.gov>; CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Coastal Commission Staff,

I am a Marina resident and I am very concerned about the potential impact to Marina's water from Cal-Am's Desalination plant.

I live near some of the wetlands that may be impacted by groundwater loss from the intake wells of the plant. I love to walk by these wetlands with my boyfriend and my dog multiple times per week, and I see a lot of different bird species. I think I saw a group of snowy plovers last time we went by one of them, we call the "little lake". One time we saw a blue heron. It would be very sad for us if our "little lake" were to never have water in it again, and no longer provide habitat for the many bird species we've seen out there.

Our part of Marina is already dealing with some unknown putrid smell from some undisclosed industrial or commercial activity. It would not be fair to us to also have to suffer the impacts of another industrial activity.

I am also very concerned about the impact of the greenhouse gas emissions produced by the plant on the climate. when the Pure Water Monterey project will operate on renewable energy. Like a lot of people these days, I find climate change a terrifying phenomenon. If we are experiencing temperatures and fires as extreme as we are experiencing now, what will California look like in 10 years? 20 years? We must make the most sustainable decisions now to protect a livable climate for humans.

Please support the Pure Water Monterey Project over the Cal-Am Project.

Thank you for your consideration,

Deanna Lynn
Citizens for a Sustainable Marina

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Christopher Long <bmwlaw@gmail.com>

Fri 9/11/2020 6:48 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

To Whom It May Concern:

As a local resident and attorney at a law firm located in Monterey, I write in my individual capacity in support of Staff's recommendation and urge the Commission to **deny** California American Water Co.'s de novo and regular permits related to the Monterey Peninsula Water Supply Project.

As Staff notes in their August 25, 2020 report, "the primary questions for the Commission to consider are whether another project, the Pure Water Monterey water recycling and aquifer storage project "**Pure Water project**," operated by Monterey One Water, can be expanded to provide a feasible and environmentally preferable alternative to the Cal-Am Project and whether the alternative can provide sufficient water to this region for current and future uses while allowing Cal-Am to end its overdraft of the Carmel River."

The report continues, noting that the CPUC "determined that the baseline Pure Water project would reliably provide water for Cal-Am so that Cal-Am's initially proposed desalination facility could be downsized from 10,700 acre-feet per year . . . to about 7,165 acre-feet per year. The baseline Pure Water project is expected to provide about 3,500 acre-feet per year, and the currently proposed Pure Water Expansion would be an extended version of that same project and provide an additional 2,250 acre-feet per year."

The Staff Report concludes, after weighing the evidence in the record, "that the Pure Water Expansion is a feasible alternative to Cal-Am's Project, will allow Cal-Am to cease its illegal water withdrawals from the Carmel River and meet the region's water needs, and is the preferable, least environmentally damaging alternative. The Pure Water Expansion would also result in fewer environmental and economic burdens to the communities of concern within Cal-Am's service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented."

After reading the conclusions summarized in the Staff Report, I agree with Staff's recommendations, and in particular their conclusions on page 6 of the report stating that "staff's analysis determined that either project would provide enough water for the area's expected demands and growth over the next twenty to thirty years, although Cal-Am's Project would provide far more water than needed, and at a much higher cost - about two to three times the cost of water from the Pure Water Expansion" and on page 9 of the report that the Pure water Expansion project "would benefit the communities of concern by not causing adverse environmental impacts to the City of Marina and by reducing the cost burdens to Seaside and other underserved Cal-Am ratepayers[.]"

Accordingly, I concur with Staff's recommendation to deny the proposed project.

Thank you for your careful consideration of this controversial project.

Sincerely,

Christopher M. Long, Esq., that any unauthorized review, use, disclosure, distribution, or copying of any information contained in this email or its attachments is strictly prohibited.

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Velez, Damian S STU (MIL) <damian.velez@dliflc.edu>**

Fri 9/11/2020 6:36 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

My name is Damian Velez. My wife and I are new permanent residents of Marina. I cannot speak at the meeting on September 17, so accept this email as my voice. News of the desalination project, and the threats that it poses became an immediate concern and priority of ours. As recommended by the Coastal Commission's Staff report, I urge you to vote against this project.

Please deny this wasteful unnecessary project, and instead support the expansion of the Pure Water Monterey project.

Thank you.

Very respectfully,
Damian Velez

Cal Am's Desalination

Suzie Gabri <suzie_gabri@yahoo.com>

Fri 9/11/2020 6:29 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners,

Thanks to you Cemex is getting out of the picture, but now Cal Am wants to take their place.

Please deny Cal Am's desalination plan for these reasons.

1- It needs to use tremendous amount of energy.

2- It is an experimental project at the ratepayers expense. (Slanted Wells are not done anywhere else in the world.)

3- they have no rights to that source of water.

4- It is Marina's source of water, but they won't get a drop of that and they have to deal with the salt water intrusion.

5-It is extremely expensive and we don't need it.

Expanding the Pure Water Monterey is the answer.

Thank you so much for all you have done so far.

Gratefully yours,

Suzie Gabri from Pacific Grove

Against Desal idea.....

KIP HOPKINS <kiphopkins@comcast.net>

Fri 9/11/2020 6:27 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Hello. I'm going to take a couple of ideas from a page I trust. I don't trust my poorly educated wording.

.....".....sensitive habitat areas and the need to consider whether a feasible and less environmentally damaging alternative to the Project exists".

"The Project also involves the most significant environmental justice concerns the Commission has considered since it adopted an Environmental Justice Policy in 2019".

.....these legal words give me a headache, but, 'my' words would be misleading. I'm voting "no" on the Desal Project.

Kip

Appeal No.A-3-MRA-19-0034;Deny CalAm Desal Permit

rsantella@redshift.com <rsantella@redshift.com>

Fri 9/11/2020 6:14 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners,

The Portuguese Ledge is a State Marine Conservation Area (SMCA) which lies just four miles offshore of CalAms proposed desal project. It covers almost 11 sq.miles of offshore habitat.

If allowed this project will dispose brine waste almost 1 mile away from this (SMCA) protected area.

We have a Sanctuary to protect and our beautiful dunes.

Please deny this project.

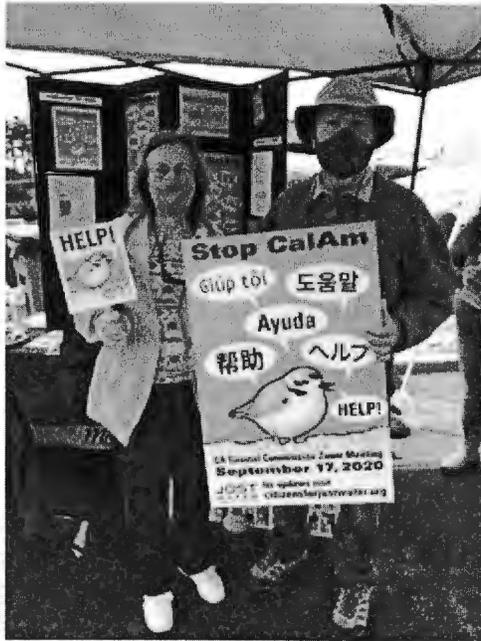
Ray Santella

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**David Bockian <dbockian@gmail.com>**

Fri 9/11/2020 6:14 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is David Bockian; My wife Jeri and I are residents of Marina, celebrating two years of home ownership here. I'm a retired marketing manager and Jeri is a project manager for a Bay Area county government. For over 40 years we've lived, worked, and raised our family in the greater Bay Area and we love the beautiful physical environment.

We are opposed to the CalAm desalination project for several reasons:

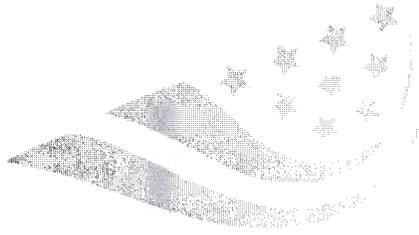
1. It is unnecessary: the Pure Water Monterey recycling project has been shown to meet the Monterey Peninsula's water needs for the next several decades
2. There is a clear risk to Marina's aquifer - our sole source of fresh water - and no "Plan B" if the project causes salt water infiltration into the aquifer
3. The economics of this project are ridiculously bad

Please deny this harmful project. Thank you.

Sincerely,

David and Jeri Bockian

dbockian@gmail.com



DEMOCRATIC WOMEN OF MONTEREY COUNTY
Voices for Equity and Choice

September 10, 2020

California Coastal Commission
455 Market Street
San Francisco, CA 94105

Dear Chair Padilla and Commissioners:

As Democrats, we support sustainably planned communities. Our Party Platform promotes environmental justice. Monterey Peninsula residents need water that is more affordable – not more expensive. New affordable housing projects need water that is more affordable – not more expensive. Small business owners need water that is more affordable – not more expensive. The Monterey Peninsula needs water it can afford.

On September 17, you will decide whether to grant Cal Am a permit for a desalination plant in Marina – the only community on the Monterey Peninsula that will not get anything from this project and whose environment, as your staff has determined, would be damaged by it. Yet again, a diverse, working-class community is asked to bear the brunt of industrial development and environmental degradation. And in return, *Marina will not receive a single drop of desalinated water.*

Discriminatory land use policies have burdened marginalized communities along the California Coast for generations. We cannot let this happen to the City of Marina. There is an immediate solution to the Monterey Peninsula's water needs – an expansion of Pure Water Monterey.

Future water supply projects on the Monterey Peninsula must be designed with equity and justice for all!

Sincerely,

Kate Daniels Kurz, *President*

Comment for Agenda Item (Ca Water et al Monterey Co.) PLEASE READ

JoAnn Cannon <jcannon@csumb.edu>

Fri 9/11/2020 6:06 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners of Ca.'s Beautiful Coasts

My Name is GroundWater,

You know me. I am a resident of
your world. So valuable and fragile that humans
fight over me. Yet they seek ways to pollute
me, drain me, divide me off, block, steal, stop, siphon,
pull me out, or dry me up.

Who remembers..... I Am Life?

Who stands up to protect me?

Who will disallow things that harm me?

Slant wells where they don't belong... harm me.

I'm tired.

DENY Cal Am's Desal Project

Alice Ann Glenn <aa1glenn9@aol.com>

Fri 9/11/2020 6:06 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners

I am a Cal Am rate payer and the Cal Am Desal Project is NOT in the public interest.

Pure Water Monterey Expansion is the feasible and environmentally preferable alternative.

With our new water supply from Pure Water Monterey--Phase 1 we restore the Carmel River and stop the illegal withdrawals by December 2021. We do NOT need Cal Am's Desal to resolve the Carmel River issues.

I also object to the Cal Am Desal on the grounds that it would double our water bills which is a burden that will price more people out of living within Cal Am's boundaries.

Expansion of Pure Water Monterey provides a long-term sustainable water source that is capable of protecting both the Carmel River and the Seaside basin. Pure Water Monterey expansion is also capable of supporting affordable housing and economic recovery.

There is no water supply crisis with Pure Water Monterey up and running so there is NO need for Cal Am's Desal.

I find it very difficult to trust anything Cal Am says as they have been the only obstacle to the Expansion of Pure Water Monterey that will give us adequate water, including development, for years.

Please DENY Cal Am's Desal Project.

Sincerely,
Rev. Alice Ann Glenn
Monterey, CA

DENY Cal Am's Desal Project!

Ellie Kincade <elliekin@me.com>

Fri 9/11/2020 6:03 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I strongly oppose the desal plant. There are more sustainable solutions in the better interests of citizens, land and water. PLEASE **DENY Cal Am's Desal Project.**

Thank you for your careful consideration of this critical issue.

Ellie Kincade

Items Th3a and Th4a -SUPPORT the Staff Report. DENY the Cal Am Desal Project

Deb Miller <debinpg@comcast.net>

Fri 9/11/2020 6:00 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To Whom it may concern:

My name is Deborah Miller, and I moved to the Monterey Peninsula 22 years ago and have become aware of the water scarcity and the controversy around possible solutions.

We do not need the Cal Am Desal Project and it is a highly flawed project. The Pure Water Project Expansion will meet our needs and is a wiser, sustainable, environmentally-sound, more cost-effective option.

I appreciate your consideration.

Thank you.

Deny Cal Am's Desal

Kristin Dotterrer <kristinmey@gmail.com>

Fri 9/11/2020 5:45 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commission:

I strongly urge you to deny the unnecessary and expensive Cal Am desal project as it is not in the public's best interest. Pure Water Monterey's Expansion is more feasible, more environmentally-friendly, and will give us water sooner. Our water bills have already increased at an unaffordable rate, adding to the housing affordability emergency in our area. It is unjust that Cal Am desal intends to pull water from Marina and harm its coastal dunes habitat. This massively expensive desal project is a terrible attempt to hinder public-ownership, adding to Cal Am's already misleading political record, and again, not in the interest of our community. The people of the Monterey area are absolutely done with Cal Am. Their last-ditch effort to squeeze out as much profit before an imminent public takeover is as clear as day.

Sincerely,

Kristin Dotterrer
Monterey, California resident

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Eric Sand <eric.sand@icloud.com>

Fri 9/11/2020 5:39 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: Eric Sand <eric.sand@icloud.com>

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Eric H. Sand

Eric.Sand@ICloud.com

831.372.7788 (Cell)

September 11, 2020

VIA EMAIL

California Coastal Commission
Energy and Ocean Resources Unit
455 Market Street, Suite 228
San Francisco, CA 94105

Re: Monterey Peninsula Water Supply Project, CDP Application No. 9-19-0918 and Appeal No. A-3-MRA-19-0034 –Source Water for Pure Water Monterey Expansion and Concerns About the Latham & Watkins Outfall Lining Proposal

Dear Commissioners and Staff,

I was an employee of the engineering consulting firm Montgomery-Watson for over 10 years prior to being hired by Monterey One Water (M1W). I retired from M1W in May 2020 as their Principal Engineer after working for them for over 30 years. I was involved in the Pure Water Monterey (PWM) project since it began and was involved in the previous Groundwater Replenishment Project from 2006. Most recently, I was the project manager for the planning, environmental review, and permitting of the approved PWM Project, and managed the design and construction of the Advanced Water Purification Facility (AWPF). I was also the project manager for the Monterey Peninsula Water Supply Project components involving M1W facilities, including the project's NPDES permitting process, brine mixing facility, outfall protection components, and return flow agreements. I was a coauthor of Appendix M (found at purewatermonterey.org/wp/wp-content/uploads/Final-SEIR-Proposed-Modifications-PWM-GWR-Project-April-2020.pdf), Source Water Operational Plan Technical Memorandum, for the Pure Water Monterey Expansion (PWME) Supplemental Environmental Impact Report (SEIR) along with Alison Imamura who remains an M1W employee. The Technical Memorandum was prepared in consultation with Denise Duffy & Associates, Schaaf & Wheeler, Perkins Coie, Monterey Peninsula Water Management District (MPWMD), who funded the majority of the SEIR, and Monterey County Water Resources Agency (MCWRA).

I wish to address two issues: 1) the analyses in Appendix I and M demonstrates that the PWME has sufficient source water to meet the 2,250 acre-feet per year yields requested by MPWMD), and 2) the liquid applied liner that CalAm proposed to protect M1W's Land Outfall is not viable based on information provided in the submittal to the Coastal Commission.

Pure Water Monterey Expansion Source Water

M1W met with MCWRA and discussed water rights and water availability for months during the SEIR preparation process for PWME. At one-point MCWRA said that they disagreed with the numbers but did not provide M1W with details. MCWRA indicated that they felt that M1W incorrectly interpreted the Amended and Restated Water Recycling Agreement (ARWRA). Perkins Coie, an outside land use, environmental and water rights law firm, reviewed M1W's source water rights as part of the SEIR. Those finding were presented to MCWRA prior to publishing them in the Draft SEIR in November 2019. MCWRA, in response, requested that M1W pay one-half the cost for an independent legal review of the water rights. M1W agreed. MCWRA has not pursued.

Appendix I of the SEIR (found at purewatermonterey.org/wp/wp-content/uploads/Appendices-to-M1W-Draft-Supplemental-EIR-11-7-2019.pdf) shows the source water availability. Appendix I was based on average flows for the years 2009 through 2013. Drought flows were based on 2013. These flows were from the same time period as the EIR for the original project. Appendix I showed there was sufficient source water for the PWME. Expansion would reduce additional water available for the Castroville Seawater Intrusion Project (CSIP) by 700-800 AFY but still provide thousands of acre-feet more for CSIP than before the Pure Water Monterey Project. Appendix M was written after reading the Draft SEIR comments and seeing the extent of misinformation about source waters. Since the SEIR was written as a supplement to the original project it was unclear to some where the water would come from for expansion versus the base project. The base project provided additional water for CSIP as well as for groundwater replenishment. Appendix M was intended to show how existing water rights could be used between the base Pure Water Monterey Project, Marina Coast Water District's (MCWD's) Regional Urban Water Augmentation Project (RUWAP), and the PWME. Appendix M used 2018 as a typical normal year reflecting reduced wastewater flow (and presumably drinking water demand) related to increased conservation. 2015 was chosen as a severe drought year. The purpose of using single years was to show how available water could be used in specific cases, namely a typical wet or normal year and a drought year. The drought year scenario could be repeated for multiple years without adversely affecting the project yield. The source water sources in order of priority are shown below:

1. Secondary Effluent to the Ocean Outfall. This is water that would otherwise be sent to the ocean.
2. Reclamation Ditch. The ARWRA allows M1W to use this water. At the time I helped write Appendix M, I believed this water was available for both the base project and expansion; however, I only used it for the base project due to comments from MCWRA.
3. Blanco Drain. Similar to the Reclamation Ditch, the ARWRA allows M1W to use this water. At the time I helped write Appendix M, I believed this water was available for both the base project and expansion; I only used it for the base project because of the feelings of MCWRA.
4. Agricultural Wash Water. This new source water is currently available for M1W to use for recycling by either the PWM AWP or the Salinas Valley Reclamation Project (SVRP) according to the 2015 agreement between the City and M1W and the SWRCB Wastewater Change Petition (Order No. WW0089). The ARWRA states that M1W would be able to use the water for either purpose also, but if certain conditions in Section 16.15 are not satisfied it may be reserved for MCWRA. For Appendix M, it was assumed to be available only to meet approved PWM Project yield requirements and for recycling using SVRP for CSIP use.
5. Recycle Sump #1. This water contains sewage from the MRWMD facilities and from the west side of the Regional Treatment Plant (RTP). The ARWRA allocates one-half of this water to MCWRA and one-half to M1W because it originates from outside M1W's 2001 service area boundaries.
6. Recycle Sump #2. This water is from the east side of the RTP. The ARWRA allocates one-half of this water to MCWRA and one-half to M1W again because it originates from outside M1W's 2001 boundaries.
7. Approved Pure Water Monterey Project Advanced Water Purification Facilities Backwashes, including those from producing water for MCWD. This includes the ozone and the pre-membrane filtration screening wastes plus the membrane filtration backwashes. The ARWRA allocates one-half of this water from outside M1W's 2001 boundaries to MCWRA and one-half to M1W.
8. PWME Backwashes. This is the same as the previous water type except it is only for the proposed expansion and M1W's portion could only be used for the expansion.

9. Salinas Valley Reclamation Project Backwash. The ARWRA allocates one-half of this water from outside M1W's 2001 boundaries to MCWRA and one-half to M1W. Appendix M assumes increased use of recycled water by CSIP and an associated increase in backwash flows throughout the year.
10. Boronda. This sewage is captured and sent to the RTP by the City of Salinas. However, the sewage comes from outside M1W's 2001 boundaries and so, per the ARWRA, one-half of this water is allocated to MCWRA and one-half to M1W.
11. Farmworker Housing. Sewage from this new project is captured and sent to the RTP by the City of Salinas. However, the sewage comes from outside M1W's 2001 Boundaries and so, per the ARWRA, one-half of this water is allocated to MCWRA and one-half to M1W.
12. M1W's ARWRA Summer Water. Section IV 4.01 1 (d) of the ARWRA allocates 650 AFY to M1W during the months of May through August.
13. Salinas River Diversion Facility (SRDF) Screening. Screening from the SRDF returns to the RTP Headworks where it combines with other sewage and is treated through the RTP. Per the ARWRA, one-half of this water is allocated to MCWRA and one-half to M1W as it comes from outside M1W's 2001 boundaries. M1W has rights to one-half this water. This water was available in 2018, however, since this water is not available each year it was not used in the Appendix M calculations. If the ARWRA was not in effect, M1W would have rights to use this water if it is discharged into M1W's infrastructure.
14. Salinas Industrial Water Treatment Facility Pond System. Since this water is from outside M1W's 2001 boundaries, one-half may be considered to be allocated to M1W per the ARWRA, or use of this water would require execution of a separate agreement between parties for that water to be considered a New Source Water per ARWRA section 16.15(6). The facilities to send this water to the RTP are a joint project between M1W and the City of Salinas and are currently under construction. However, to be conservative, it was assumed to not be available in the Appendix M calculations.

MCWRA has been working to meet the six conditions in Section 16.15 of the ARWRA since November 2015. Should they meet those conditions, then Appendix M shows that M1W has sufficient water for wet, normal or drought conditions. Should MCWRA not meet those six conditions in Section 16.15 of the ARWRA, then Section 16.16 would apply and according to Appendix M, M1W would need to utilize part of the operation reserve (described in the Water Purchase Agreement) during drought years.

The conclusion from Appendix M is that M1W has more than enough source water for the PWM base project, for MCWD's RUWAP project, and for the PWME in all foreseeable situations.

The Liquid Applied Liner Proposed to Protect M1W's Land Outfall is Not Viable as Proposed

Latham & Watkins' August 17, 2020 email to Mr. Tom Luster suggests a liquid applied lining alternative to the Outfall Protection Project that is under design by Brown & Caldwell Consulting Engineers. California American Water has paid for and been involved in that design work for years. Several projects I worked on for M1W provided me with experience related to this proposal. The Cannery Row Sewer Maintenance Projects in which I needed to apply to the California Coastal Commission to allow for an over ground temporary pipeline from M1W's Reeside Pump Station to a sewer manhole in the beach. I managed two M1W Ocean Outfall repair projects using divers to install the WEKO seals whose replacement is part of the project you are reviewing. Those projects taught me about the difficulty of pulling hose and working just 2,000 feet from an entry point in 60-inch diameter reinforced concrete pipe (same size and manufacturer as the pipe in question). In those projects we used a 24-inch diameter pipe to discharge secondary effluent onto the beach from the Junction Structure. I was also project

manager for M1W's Ocean Outfall Inspection and Maintenance contracts. I learned of the difficulty of drilling into 60-inch reinforced concrete pipe (same size and manufacturer as the Land Outfall). I also was project manager on several liquid applied lining projects and for many of them, I was also the inspector. These taught me the importance of rigorous confined space safety requirements, of a dry and warm concrete surface to avoid blistering, and how hot the employees doing the spraying can become.

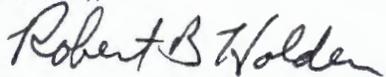
A few of the problems I see with the Latham & Watkins' proposal include:

1. The four-inch diameter bypass pipe is far too small, and even if four-inch diameter pipe could be large enough, it would not work within the outfall pipeline. A bypass pipe of 18 to 24 inches would be more appropriate depending on the size of the pumps and the pressure rating of the pipe. This bypass pipe would need to be buried under Del Monte Blvd. and Lapis Road and discharge into the Beach Junction Structure which would need to be open during the lining process (requiring excavation).
2. The Beach Junction Structure would also be needed to remain open as an alternate rescue point for the confined space entries and to provide air flow and potentially for material supply.
3. No mention is made of the proposed lining material. The only mention is repair using epoxy grout. My experience is that epoxy grout is not an appropriate material for this application. A liner material should be flexible to provide a similar longevity to a PVC liner.
4. A fan system would be needed to push air between the Beach Junction Structure and the Access Point to dry the pipeline, remove heat, and to provide a safer working environment.
5. More hoses are needed than the five (resin, resin hardener, hot water supply, hot water return, and airline) listed. A spare backup air hose for worker (plus two additional air lines each for additional workers and for an inspector), a separate life line for each person in the pipe, a communication line for each person in the pipe, pressurized water for the water blasting, and vacuum hose for removing water and debris. It is very unclear how the "electric carts" could maneuver through this maze of hoses nor through the bends in the outfall.
6. No mention is made of how to restore the access point and protect the pipe after the liner is spray applied.
7. The proposal does not seem to consider employee safety and that this is an extreme confined space situation.

My experience with EIRs is that at least a 10% design is required to adequately determine the environmental impacts of a proposed project. This proposed alternative for lining the final portion of M1W's Land Outfall is far short of a 10% design.

I would be happy to discuss any of these issues with you and provide additional information. I can be reached at 831-277-9044. Thank you for your consideration.

Sincerely,



Robert B. Holden, P.E., L.S., M.ASCE

cc Mr. Tom Luster, California Coastal Commission
Mr. John Ainsworth, California Coastal Commission
Ms. Alison Dettmer, California Coastal Commission

Stop CalAm

nancy nishimura <nancynishimura7@gmail.com>

Fri 9/11/2020 5:30 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Ladies and Gentlemen,

The CalAm Desal Project is environmentally damaging and is not right to go forward with. I want this project to be rejected.

My husband and I moved to Marina in large part because we believed that Monterey County was especially concerned about taking care of environmental issues.

This CalAm Desal Project is going in the wrong direction. We need you to protect our water source and beach. Marina is as important a community as any other community in this area.

Thank you,

Nancy Nishimura

NO CAL-AM DESAL

Steve Bean <knottman@gmail.com>

Fri 9/11/2020 5:27 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I urge the Commission to DENY Cal-Am's desalination project. So many reasons. City of Marina would have its aquifer imperiled, and would not receive ANY of the water!! This would be cruelly unjust! Hugely expensive product in perpetuity; adequate alternative exists; et cetera, et cetera.

Steve Bean

Please deny a coastal development permit to California American Water

Michael Morris <mmorris740@gmail.com>

Fri 9/11/2020 5:25 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners:

I urge you to stand by your staff's recommendation against the permit. Staff's report released August 25, 2020 reaffirms the position taken by the staff last year, arguing that the desal plant should be abandoned due to environmental concerns, especially considering that the less impactful expansion of Pure Water Monterey exists.

In the current era of heightened awareness about racial justice, a section of the report is particularly apropos to the Monterey Peninsula: "The community of Marina is already disproportionately burdened by many other industrial uses and would receive none of the project benefits. There is a long history of government institutions allowing unwanted industrial development to be concentrated in underserved communities of color without their consent."

CalAm will try to convince you that "a future without desal is, in essence, kicking the can down the road and increasing costs for customers in the long run" (Catherine Stedman, CalAm spokesperson).

The truth is that the Pure Water expansion will allow CalAm to cease its illegal water withdrawals from the Carmel River by December 2021.

Those of us CalAm ratepayers who live here do not need CalAm's oversized, over-priced, intrusive desal plant to solve our future water supply needs. We need to expand what is already built here and working just fine.

Thank you for supporting Staff's report.

Michael Morris and Gay (Hughes) Morris
Sand City, CA

DENY CAL AM'S DESAL PROJECT

Daniel Dotterer <danieldotterer@gmail.com>

Fri 9/11/2020 5:22 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Coastal Commission:

No Cal Am desal! I'll be succinct. The voter-approved feasibility study results are in. Big surprise! Publicly-owned and operated water is better and cheaper for our community than for-profit water. Who da thunk? So we the people WILL take over control of our water system. I don't know if desal is feasible for our community but I know absolutely we are not paying Cal Am's for-profit sticker price for such a facility.

Daniel Dotterer
Monterey, CA

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Colleen Ingram <colleen.ingram@gmail.com>

Fri 9/11/2020 4:58 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Greetings:

Please deny Cal Am's desal project. There are many environmental concerns regarding this project, and there are much better alternatives. This project has been fought for many years for good reason.

Thank You,
Colleen Ingram

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Ida Nishimura <fishimura@gmail.com>

Fri 9/11/2020 4:57 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

To the California Coastal Commission:

I am writing to support denying Cal-Am's Desal Project.

The cost difference alone is staggering and surely would be passed onto the consumers. I am also concerned about the environmental impact issues with this desal project. Common sense tells me that with the less costly option and less impactful environmental Pure Water alternative, this desal project is not needed and should be denied.

A concerned citizen,
Ida Nishimura

Sept 17 meeting**ecklesmpg@aol.com <ecklesmpg@aol.com>**

Fri 9/11/2020 4:51 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Ladies and Gentlemen of the Ca Coastal Comm. and for Greta

There should be no doubt that human driven climate change is upon us with record wild fires. Ecologic chickens have come home to roost. Desalination is an highly expensive to maintain, energy consuming process, with a toxic by-product-an obsolete idea. To best use our most precious public resource wisely the emphasis must be for increased storage, percolation methods and dispersed gray water facilities.

A scientist upon the Greenland ice sheet was "astonished" by the rate of melt. Sea levels will continue to rise. The very site of the proposed wells may in the not too distant future be washed away in a Pacific storm upon a king tide. It is along the most prone area of the California coast to erosion. A facility there will go the way of Stillwell Hall.

For what may be the future, look to the climate related human chaos in the middle east. Populations are being driven off the arid lands. Xenophobic England has withdrawn from the EU. "International" trade is nothing more than exploiting slave labor by the oligarchs and their corporations. Nearly every modern human activity is not sustainable. We must regain a harmonious aboriginal relation with our habitat. " Eighteen container cargo ships produce as much pollution as the entire world fleet of automobiles." Forthcoming, "A Guide to Save Civilization."

I would hope you find against the greed driven and ignorant proponents and with your staff.

Very truly yours,,

Mark Magruder Eckles, Pacific Grove Ca 93950

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Jack Holmgren <jack.holmgren1@gmail.com>

Fri 9/11/2020 4:49 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To whom it may concern:

Do not approve CalAm's costly and environmentally damaging De-Salinization (De-Sal) plant in Monterey County.

Vote the De-Sal proposal down!

Thank you,

Jack Holmgren
3398 Taylor Road
Carmel, CA 93923

Excuse typos, sent from my mobile.

SUPPORT the Staff Report. DENY the Cal Am Desal Project - Items Th3a and Th4a

Karen Elizabeth Araujo <karaujo93901@gmail.com>

Fri 9/11/2020 4:43 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

To the California Coastal Commission:

The People do not need nor want the Cal Am Desal Project; it is a highly flawed project and fails to pass any test for special consideration. The Pure Water Monterey Project Expansion will meet the community's needs for many decades to come and is a wiser, fully legal, sustainable, environmentally-sound, economically-just, more cost-effective option. Please support the staff's report and deny the Cal Am Desal Project. Thank you for your consideration.

Respectfully,

Karen Araujo - Salinas, Monterey County, CA

Pronouns: she/her

Em: karaujo93901@gmail.com

Please check out and consider supporting...

Commission on the Status of Women - Treasurer - www.co.monterey.ca.us/csw

Unitarian Universalist Social Justice - Faith in Action - www.uucmp.org

The People's Oral History Project - "Voices of Change" Contributor/Co-Author - www.facebook.com/groups/OralHistory

MoCo Democratic Central Committee - Vice Chair AD 30, Chair-Elect, Credentials Subcommittee Chair - www.MontereyCountyDemocrats.org

MoCo Housing Advisory Committee - Dist. 4 Rep - [link to HAC MoCo government page](#)

Deny Cal-Am's Desal Project - Items Th3a/Th4a

pjlevin <pjlmph65@gmail.com>

Fri 9/11/2020 4:39 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Please deny Cal-Ams permit request for a proposed desalination plant.

Peter J. Levin
Carmel

Please say NO to the giant, expensive desal

stefani@pronunciationinaction.com <stefani@pronunciationinaction.com>

Fri 9/11/2020 4:31 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Locals don't want it, for many good reasons!

Stefani Mistretta 93955

Appeal No. A-3-MRA-19-0034; Deny CalAmDesalination Project Permit**Rosemarie Lovell <lovellfamily5@gmail.com>**

Fri 9/11/2020 3:55 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Rosemarie Lovell and my husband and I, along with our daughter, son-in-law and grandson live in Marina. Our daughter is a professor at CSUMB and our son-in-law works on web development. We are retired and take care of our grandson because of Covid 19. We have lived here for 2 years and our daughter and family have lived here for 5 years. We feel strongly that there is a better solution to CalAm's Desal proposal - the Pure Water Monterey Expansion makes so much more sense.

Please deny the Cal Am Slant Well project - this will help us be good ancestors to our grandson.

Thank you,
Rosemarie Lovell,
lovellfamily5@gmail.com

Pure Water Monterey Expansion v. Cal-Am Desalination: A Short Presentation

Michael DeLapa <execdir@landwatch.org>

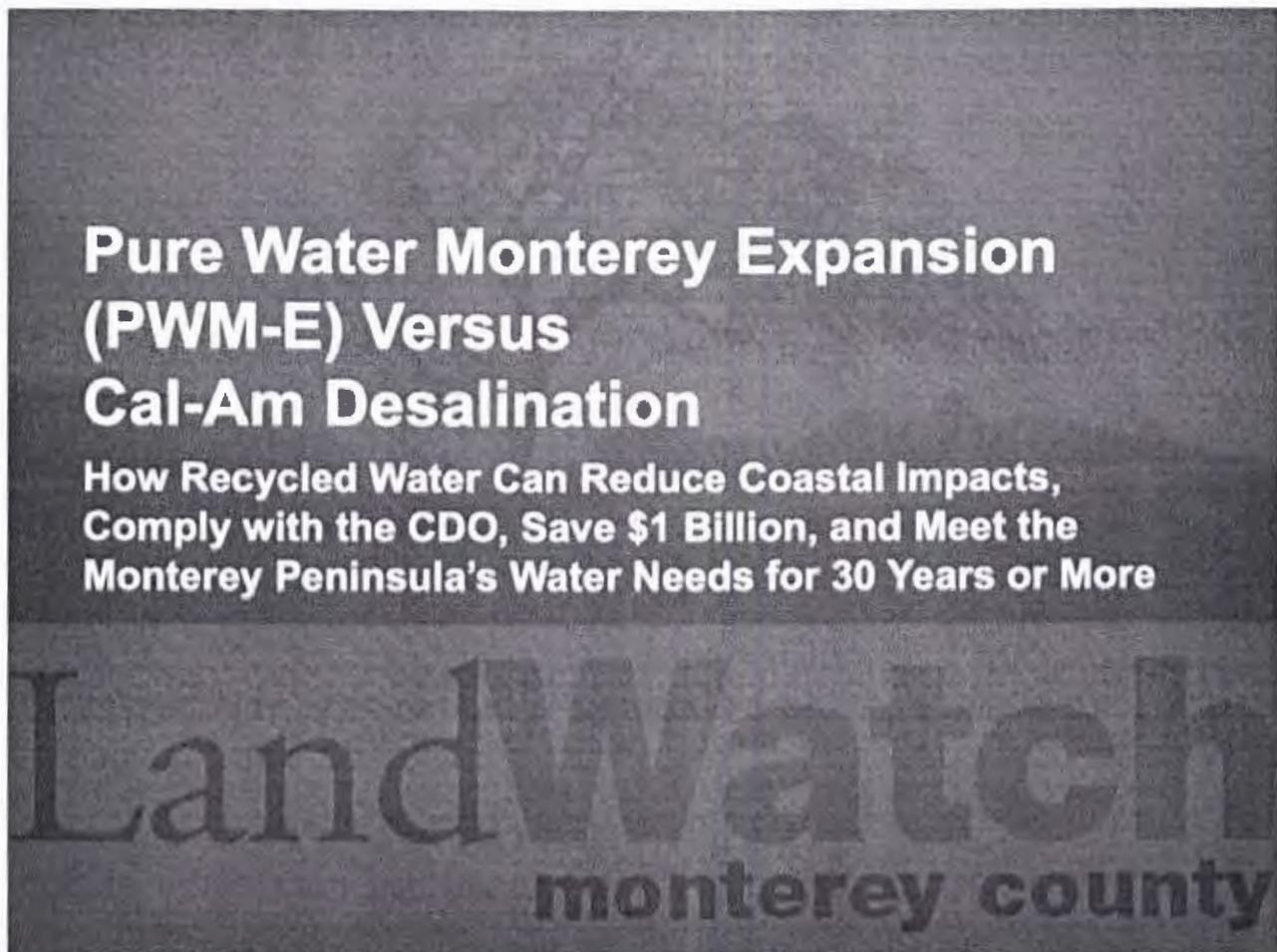
Fri 9/11/2020 4:13 PM

To: Energy@Coastal <EORFC@coastal.ca.gov>; CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Coastal Commissioners:

Here's the title slide of a short presentation that draws on the Commission's staff report and provides important context for your consideration of Cal-Am's desalination project.

For the full presentation, please [click here](#). If you have any questions or comments, feel free to contact me directly.



See also:

- [LandWatch's September 2020 letter](#)
- [LandWatch's other letters](#)

Be well, take care,

Michael

P.S. Please subscribe to the LandWatch newsletter, "like" us on Facebook and follow us on Twitter. Thank you!

Michael D. DeLapa

Executive Director

[LandWatch Monterey County](#)

execdir@landwatch.org

650.291.4991 m

Subscribe www.landwatch.org

Twitter [@landwatch_mc](#)

Facebook [facebook.com/LandWatchMontereyCounty/](https://www.facebook.com/LandWatchMontereyCounty/)

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Karen McPherson <karenmcperson321@gmail.com>

Fri 9/11/2020 3:42 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Dear Coastal Commission Members,

I have lived on the Monterey Peninsula all my life. I have heard all the promises that Cal-Am has made to the public about giving us a new water source. From what I can tell all they have done is make money for their shareholders. We are no closer to a sustainable water source for the future. My monthly water bill has continued to rise and I use less water. I am now retired and can't afford to pay surcharges that will be never ending.

Please don't approve this plan. It's not cost effective and will be dangerous to our environment. We have no idea what will happen to the ocean and the coast. It's our job to protect the planet that we live on. Cal-Am doesn't care about the environment and or its customers. It's a business that wants find ways to make more money.

Sincerely,

Karen McPherson
PO BOX 981
Seaside, CA 93955

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Magnolia Morris <magnolia.juliet@gmail.com>**

Fri 9/11/2020 3:34 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Magnolia Morris and I am a resident of Marina opposed to this project. I first moved to Marina to pursue a Masters degree in Marine and Watershed Science, and have found work here and made it my home.

This project is harmful not only to the environment, but also to this community. Stealjjg resources from Marina for wealthier Monterey communities is unethical and unacceptable.

Please deny the CalAm Slant Well project!

Sincerely,
Magnolia Morris

CalAm Desal Permit

Jean <jeanmckim2@gmail.com>

Fri 9/11/2020 3:24 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

With all my heart, mind, and soul, I respectfully ask you to enter your loving inner presence and, in clear conscience, to deny the permit for the desal permit requested by California American Water. For this I am grateful. With thanks for your public service and in prayerful trust, Jeanie Kim, A CalAm customer.

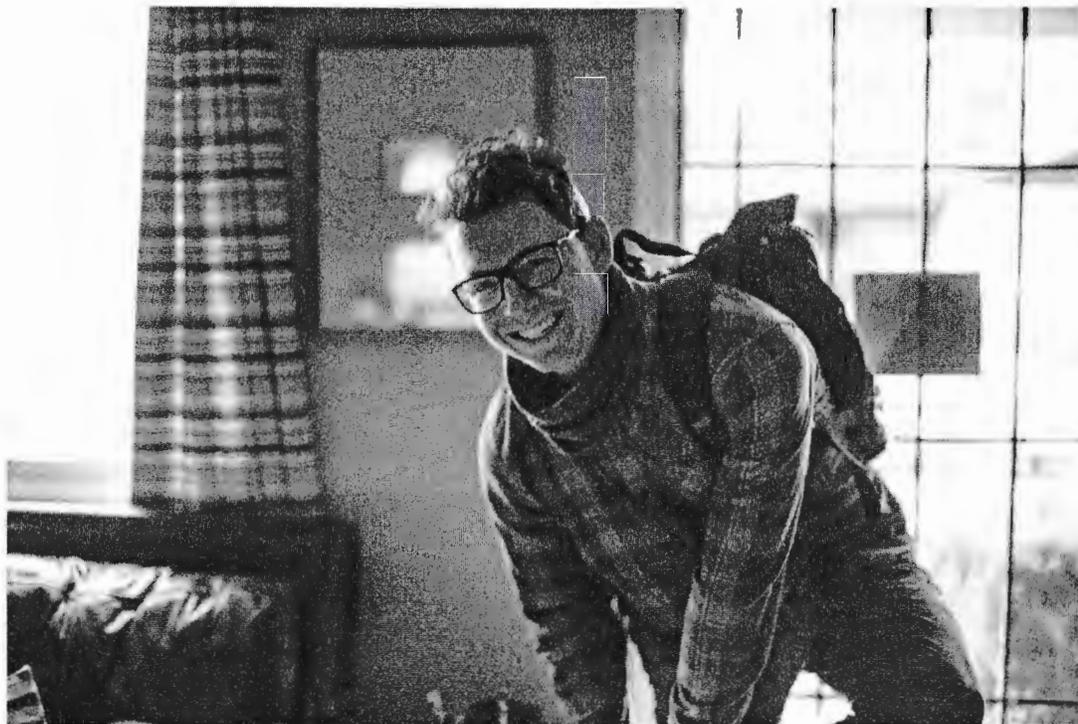
Sent from my iPhone

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.**Christopher Hart <chart@csumb.edu>**

Fri 9/11/2020 3:03 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is Christopher Hart; I live in Marina CA on 457 Gloria Circle. I have lived in the Monterey area for the last 8 years; first as a student and now as a plant biologist getting to conserve our open spaces. I recently moved to Marina this last year due its open spaces and undeveloped coastline. The commitment of Marina to protecting its coastline and groundwater supply is why I moved away from the city of Monterey which is much more developed. I have been following this project as both a cal-am subscriber in Monterey CA, and now a Marina Coast Water District subscriber. However, the one thing that has stood out to me is that the del sal plant is a classic case of environmental injustice, and will permanently harm Marina's coastline which is home to many endangered species such as the snowy plovers (I often visit the plover population on the beach, they're quite fun to watch and love to run around and chase each other on the coastline).

Please deny this harmful project! Thank you!

Christopher Hart
Cell: 760-508-6931

CAL-AM's Desal Project

hamann <hamann@beuth-hochschule.de>

Fri 9/11/2020 3:02 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I AM OPPOSED TO THE CAL-AM-DESAL-PLANT !
CAL-AM'S DESAL PROJECT IS NOT IN THE PUBLIC INTEREST.

PURE WATER MONTEREY EXPANSION (=PWE)
is a feasible and environmentally preferable alternative.

(1)

PWE will give us a new water supply much sooner.

(2)

PWE's new water supply will allow us to restore
the Carmel River and stop illegal withdrawals
by December 2021.

(3)

PWE's Expansion of Pure Water Monterey provides a
long-term sustainable water source that protects
the Carmel River and the Seaside basin.

(4)

Orange County has used this same system for
decades so it has been proven effective.

(5)

CAL-AM IS THE ONLY OBSTACLE
to the expansion of Pure Water Monterey.

(6)

CAL-AM CANNOT BE TRUSTED.
Passing Measure J was the community's statement

(7)

DESAL WILL DOUBLE OUR WATER BILLS

(8)

DESAL HARMS THE COASTAL HABITAT
and Marina's beautiful dunes

(9)

DESAL HAS NO LEGAL SOURCE WATER,
it would draw groundwater from an
overdrafted groundwater basin.

PWM's Expansion source water is primarily
the 8,000 acre-feet of excess wastewater
that is now discharged into the Bay.

It is contractually secure and drought proof.

(10)

CAL-AM has had 25 years to solve our
water supply problem and has failed to do so.

PLEASE DO NOT ALLOW the CAL-AM-PROJECT to proceed.

Chris Hamann
889 Laurel Ave
Pacific Grove, CA 93950

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Andrew Passell <ersb64@yahoo.com>

Fri 9/11/2020 2:53 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please follow the recommendations of your staff and deny the permit for Cal-Am desal plant. Listen to the experts, not the money. The project is ill-conceived, ridiculously expensive, and destructive to the existing overtaxed groundwater around Marina.

Andrew Passell
Pacific Grove, CA

DENY Cal Am's Desal Project

Gary Kreeger <kreegerg@gmail.com>

Fri 9/11/2020 2:38 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Commissioners,

My appeal to you is quite simple - it's time to do what's right and deny CalAm's petition for the desalination plant. It has unclear but potentially quite harmful environmental impacts. Impacts that CalAm shareholders who do not live on our beautiful Peninsula will never be affected by. It is a slap in the face to anyone concerned about social justice as the already most expensive water in the country will be significantly more expensive. CalAm shareholders will not pay these exorbitant rates though.

What's the theme in the short letter? It's that the primary beneficiary of this bloated, environmentally fraught project is the shareholders of CalAm - not the people living and working on the Monterey Peninsula. CalAm has created a project whose primary purpose is to be as expensive as possible so that profits are maximized.

Fortunately, a much preferred alternative exists in Pure Water Monterey, our world class water recycling project. The environmental impacts are significantly less as are the costs. The only reason CalAm is not pursuing what is right is that they are pursuing profits over the environment and peoples' well being. Desalination may very well be needed one day. But not now and definitely not this ill-conceived project.

So, it's up to you to do what is right. Up to now CalAm has steamrolled every approval organization in the process with big money. That is another problem for another day. Today though, you can stop this injustice.

Thank you,

Gary Kreeger
Del Rey Oaks, CA

Appeal No. A-3-MRA-19-0034; DO NOT Approve Cal Am Desal Project Permit

Eric Sand <eric.sand@icloud.com>

Fri 9/11/2020 2:04 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: Eric Sand <eric.sand@icloud.com>

DO NOT Approve Appeal No. A-3-MRA-19-0034.

Eric H. Sand

Eric.Sand@ICloud.com

831.372.7788 (Cell)

Cal-Am Project

Sam T.Minorini <bereebear@outlook.com>

Fri 9/11/2020 2:03 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am a concerned citizen of Monterey . Water on the Monterey Peninsula is too expensive . I do not see a desal plant making the water less expensive . I agree with the Democratic Women of Monterey County on this matter . Expand Pure Water Monterey instead of this costly desal plant that Cal Am wants . Also, this solution does not do irreparable damage to the city of Marina's environment .

Retired public works employee.

Sam Minorini.

I support the Coastal Commission's staff recommendation to deny California-American Water's Desalination Plant Coastal Development Permit

Tammy Jennings <4tlj1959@att.net>

Fri 9/11/2020 9:45 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners,

I completely support your Staff's recommendation to deny California-American Water's Desalination Plant Coastal Development Permit. There are many reasons why denial is appropriate, for example, we can't have affordable housing without affordable water and Cal-Am's desalination plant would double our water bills and we're already paying the for the most expensive water in the country. But the most important reason to me is that there is an economically feasible and environmentally preferable alternative...Pure Water Monterey Expansion. Cal-Am is the only obstacle to the expansion of Pure Water Monterey. Please DENY Cal-Am's request.

Thank you.

Sincerely,

Tammy L. Jennings

Vote No on Desal

Tricia Roden <tricia@coastviews.com>

Fri 9/11/2020 6:57 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

California Coastal Commission Staff,

I applaud the staff recommendations to deny the De Novo permit and deny the coastal development permit, finding that Cal Am's desal plant project is inconsistent with relevant Coastal Act and LCP policies and that the Commission not approve the Project because the Pure Water Monterey Expansion is a feasible choice that will adequately provide water and protect the public welfare.

Please permanently deny Cal Am's oversized, overpriced desal plant project. Our community passed Measure J to get rid of Cal Am and have public water in 2018. Cal Am has had 25 years to solve our water supply problem and they have failed. We don't need a desal plant. It is not in the public interest. Cal Am's desal plant project would double our water bills, which are already the highest priced water in our state. Desal damages the environment by harming the coastal habitat. The proposed desal project would draw groundwater from an overdrafted groundwater basin NOT under the ocean using slant wells.

Pure Water Monterey Expansion is the feasible and environmentally preferable alternative. It will give us a new water supply much sooner than building a desal plant. Our current water supply from Pure Water Monterey ~ Phase 1 (3,500 acre-feet) ~ will allow us to stop illegal withdrawals from the Carmel River by December 2021 and will restore the Carmel River and protect the Steelhead.

The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal plant. The Expansion of Pure Water Monterey will provide a long-term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina. The governor has declared a housing shortage in

California and there will be no affordable housing without affordable water. Orange County has used this same system for decades.

Cal Am is the only obstacle to the expansion of Pure Water Monterey. Cal Am is blocking it because it will not be as profitable for them. Decisions must be made based on what is good for the community and its residents, not what is good for big corporations and profits to their stockholders. Not long ago my water bill was \$67 and now it is well over \$200. Let's stop the endless Cal Am increases and protect our environment and our local community. Thank you for your time and consideration of this important issue.

Sincerely,
Patricia Roden

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

George Powell <powell.george@gmail.com>

Fri 9/11/2020 6:29 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



September 17, 2020

To: California Coastal Commissioners

45 Fremont Street

San Francisco, CA 94105

RE: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

Citizens for Just Water would like to submit a list of 52 small business owners from Marina who oppose the CalAm desalination project. Our local businesses aptly reflect the census demographics by our highly diverse owners of restaurants, stores, and services.

Please review the names/signatures and our photos of the various businesses that line our downtown and transition streets to downtown. You will see the great diversity that represents so many different ethnicities, many of whom are first generation Americans hailing from countries around the world including Mexico, Vietnam, India, Italy, Korea, Lebanon, China, Syria, Japan, the Philippines, and Fiji Islands. We truly exemplify the highly diverse, disadvantaged community that was so correctly identified in the Staff Report recommending denial of CalAm's Coastal Development Permit.

Cordially,

George Powell

Small Business Owner in Marina, CA

Member of Citizens for Just Water



MARIA ROSARIO ROSARIO on the support of the CA Coastal Commission to help the CA
 Distribution Program in Marine
CRAP SERVICES Oscar Morales, Owner
 120 Salk Ave Central Salford &
 Marina CA 93933
 561-211-3136
Doughnut Fresh Jany Embler
 120 General School Dr Pacific Palisades
 Salford Marina, CA Manager
 93953 213-227-4444
 213-227-4444
 118 118th St Salford Marina CA 93933
 561-211-3136
 118 118th St Salford Marina CA 93933
 561-211-3136

MARIA ROSARIO ROSARIO on the support of the CA Coastal Commission to help the CA
 Distribution Program in Marine
Rose Rose Only Palisades
 118 General School Dr Pacific Palisades
 Marina, CA Manager
 93953 213-227-4444
Janna Rodriguez Janna Rodriguez
 2056 Alhambra Pacific Palisades
 Marina CA 93933 (831) 417-1111
Marina Ledesma Marina Ledesma
 3104 del Monte Blvd Pacific Palisades
 Marina CA 93933 (831) 417-1111
Mary's Haircuts Salon Mary's Haircuts Salon

MARIA ROSARIO ROSARIO on the support of the CA Coastal Commission to help the CA
 Distribution Program in Marine
CELESTE RESTAURANT Carlos P. Castro
 250 Park Ave Marina CA 93933
 831-384-2640
PERDIZO NAILS Perdizo Nails
 205 Broadway St Marina CA 93933
 831-384-2640
Home Massage Home Massage
 250 Reservation Rd Marina CA 93933
 831-384-2640
AKI FRESH MEX Aki Fresh Mex
 205 Reservation Rd Marina CA 93933
 831-384-2640

MARIA ROSARIO ROSARIO on the support of the CA Coastal Commission to help the CA
 Distribution Program in Marine
EMERY TIBT Emery Tibt Insurance Agency
 265 Reservation Rd Marina CA 93933
 831-384-2640
LOPEZ TAY SERVICE Lopez Tay Service
 205 Reservation Rd Marina CA 93933
 831-384-2640
ADIA'S KITCHEN Adia's Kitchen
 265 Reservation Rd Marina CA 93933
 831-384-2640





Please deny the CalAm Slant Well CDP!

The Small Business Owners of Marina, CA

--

Part 2 of email from George Powell Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

George Powell <powell.george@gmail.com>

Fri 9/11/2020 6:35 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 3 attachments (2 MB)

Marina Signed Business Letter 09.17.20.pdf; Elizabeth Plante Marina Business Letter to CCC 2020 - Monterey Bay Moves.pdf; GPowell Marina Business Letter to CCC Aug 2020..pdf;

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

These 3 attachments are part 2 of my previous email I just sent.

Cordially,

George Powell

Small Business Owner in Marina, CA

Member of Citizens for Just Water

November 8, 2019

California Coastal Commission

Dear Commissioners and Chair,

The undersigned small business owners of Marina urge you to deny the Coastal Development Permit for California American Water's proposed desalination project. Your staff report cited that CalAm's project would create substantial hardships for several communities of concern "by its potential indirect impacts to other area water supplies, or due to to the presence of CalAm's well field on a site that otherwise would provide priority coastal resource benefits such as habitat restoration, public access to the shoreline, and recreational opportunities."

Further, Marina has one census tract designated as an SB 535 Disadvantaged Community, has a higher level of poverty, linguistic isolation, unemployment and housing burden compared to the rest of CA. The top 3 non-English languages spoken incl. Spanish, Vietnamese, and Korean. Marina also has a pollution burden higher than 71% of other census tracts in the state.

Our local businesses are a direct reflection of these demographics. Marina has a few large employers but we have primarily small ethnic "mom and pop" restaurants and businesses, often owned by and operating with extended families. Our businesses generate small profit margins but it keeps food on our tables for our families and guarantees a livelihood to our immigrants, many of whom do not speak English as their primary language. This project will create significant road work on our main Marina streets and will likely create issues for our customers to access our businesses and deter tourists from exploring our city and patronizing our businesses.

Further, the business owners of Marina and the Ord communities currently pay one of the lowest rates of water under the publicly elected Marina Coast Water District, its water supply now being threatened by the CalAm Desalination project's illegal take of groundwater from other than its own jurisdiction. The seawater intrusion and over draft from the Salinas Valley Groundwater Basin will place the future of potable water and MCWD water rates in major jeopardy and untenable for small businesses in a disadvantaged community that currently receive water from MCWD.

This project is not in the public interest. It benefits Cal Am shareholders, while creating environmental damage and unnecessary financial burden for our community. We ask you to deny this permit.

BUSINESS NAME

OWNER/MANAGER

① Asian market
3050 Del Monte Blvd 105
Marina, CA. 93933

mpng-ho km

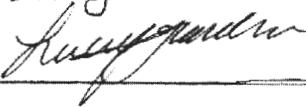

Signatures of the Marina Small Business owners in Opposition to CalAm Desalination Project:

<u>BUSINESS NAME</u>	<u>OWNER/MANAGER</u>
② KIM'S ALTERATIONS 287 Carmel Ave. Marina CA 93933	Yousif Sid 
③ Hong's Market 302 Carmel Ave Marina CA 93933	Myong Im Hong 
④ New Korea Restaurant 300-D Carmel Ave. Marina, CA. 93933	John J. Kam 
⑤ Sues Florist 3106 Delmonke Marina CA 93933	Tug S Powell 
⑥ El Rancho market 346 Reservation Rd Marina Ca 93933	Israel Castro Israel Castro

Signatures of the Marina Small Business owners in Opposition to CalAm Desalination Project:

⑦ BUSINESS NAME
MARINA DONUTS & BAGELS
266 RESERVATION RD., STE. H
MARINA, CA (831) 883-4527

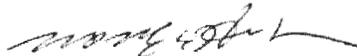
OWNER/MANAGER

Luoy Chau


⑧ PHS LUCKY NOODLE HOUSE
266 RESERVATION RD. STE R
MARINA CA 93933
(831) 883 8003

OWNERS
SON NGUYEN
CANH NGUYEN

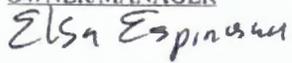
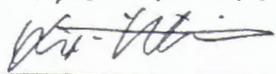
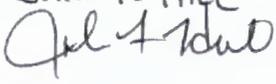
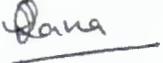

⑨ Marina Square shopping
Center
265 Reservation Rd
C
Marina, CA 93933

Woong B. Huh


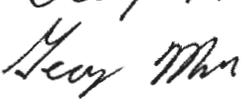
⑩ Siam marina Thai Cuisine
210 Reimollar Ave
Marina, CA 93933

Kedsim Juthip
K. Juthip

Signatures of the Marina Small Business owners in Opposition to CalAm Desalination Project:

- | <u>BUSINESS NAME</u> | <u>OWNER/MANAGER</u> |
|--|---|
| (11) El Palmar
Mexican Restaurant
3102 Del Monte Blvd Marina 93933 | Elsa Espinosa
 |
| (12) Michi Japanese Restaurant
3114 Del Monte Blvd
Marina CA 93933 | Kiyoko Michioka
Kiyoko
Kyoji Michioka
 |
| (13) AMERICAN FLOORS
216 RESERVATION RD.
MARINA, CA 93933 | John F. Hill
 |
| (14) Marina Cycle + Skate
214 Reservation Rd.
Marina, CA 93933 | Steve Adley
 |
| (15) India Fashion Trends
266-0 - Reservation Rd.
Marina, CA 93933 | Kamlesh Rana.
 |
| (16) PARK AVE STYLE
266 Reservation Rd
MARINA CA 93933 | 
FARID M RAZA |

Signatures of the Marina Small Business owners in Opposition to CalAm Desalination Project:

- | <u>BUSINESS NAME</u> | <u>OWNER/MANAGER</u> |
|--|---|
| <p>①7
Steve's Filipino Groceries Market
3056 Del Monte Blvd.
Marina 93933</p> | <p>Sanjai Singh
</p> |
| <p>①8
Tyler Tran - Poke House
266 Reservation Rd Ste-S
Marina, CA 93933
831-384-7898</p> | <p>Tyler Tran
</p> |
| <p>①9
New Tokyo Japanese Restaurant
3170 N Vista Del Camino #N
Marina, CA 93933
831-384-4763</p> | <p>Muxia Mei
</p> |
| <p>②0
Keoki's Hawaiian Barbeque
3170 Vista Del Camino Suite H
Marina, Ca 93933</p> | <p>George Manab
</p> |

Signatures of the Marina Small Business owners in Opposition to CalAm Desalination Project:

(21) BUSINESS NAME

I'm Thal Cuisine
3170 Vista del Camino
Marina 93933 CA

OWNER/MANAGER

Kalyaleem Ratanapongsa
(Kalyakoon Ratanapongsa)
11/06/19.

(22)

Contours Beauty Salon
218 Reindollar Ave Ste B
MARINA CA 93933

Chong S Kim
Chy + Kim 11/7/19

(23)

Juliana Beauty Salon
221 RESERVATION RD #1
MARINA CA 93933

EDDIE DAVIS
 11/7/19

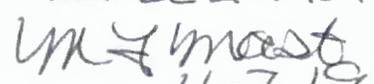
(24)

INTEGRITY PRINT & DESIGN
215-C RESERVATION RD
MARINA, CA 93933

BRANDON PETERSON


(25)

MIKE MAST INSURANCE
326-C RESERVATION RD
MARINA CA 93933

MICHAEL L MAST

11-7-19

Signatures of the Marina Small Business owners in Opposition to CalAm Desalination Project:

BUSINESS NAME	Address	OWNER/MANAGER
(26) Tico's Breakfast	330 Reservation Rd #C Marina CA 93933	Silvia Hernandez Juan Alberto Vasquez Jon Mark Uson
(27) MARINA BAI Bot Shop	344 RESERVATION RD STE A MARINA CA 93933	CHONG M CH Chong M
(28) Robert Jackson CPA	350 Reservation Rd Marina, CA 93933	Robert Jackson Robert Jackson
(29) Cavalier Mortgage, Inc	350 Reservation Rd Marina, CA 93933	Robert Jackson Robert Jackson
(30) What'd You Break?	218 Reservation Rd. Marina, CA 93933	Salena & Joshua Catalina Salena Uson

November 8, 2019

California Coastal Commission

Dear Commissioners and Chair,

The undersigned small business owners of Marina urge you to deny the Coastal Development Permit for California American Water's proposed desalination project. Your staff report cited that CalAm's project would create substantial hardships for several communities of concern "by its potential indirect impacts to other area water supplies, or due to to the presence of CalAm's well field on a site that otherwise would provide priority coastal resource benefits such as habitat restoration, public access to the shoreline, and recreational opportunities."

Further, Marina has one census tract designated as an SB 535 Disadvantaged Community, has a higher level of poverty, linguistic isolation, unemployment and housing burden compared to the rest of CA. The top 3 non-English languages spoken incl. Spanish, Vietnamese, and Korean. Marina also has a pollution burden higher than 71% of other census tracts in the state.

Our local businesses are a direct reflection of these demographics. Marina has a few large employers but we have primarily small ethnic "mom and pop" restaurants and businesses, often owned by and operating with extended families. Our businesses generate small profit margins but it keeps food on our tables for our families and guarantees a livelihood to our immigrants, many of whom do not speak English as their primary language. This project will create significant road work on our main Marina streets and will likely create issues for our customers to access our businesses and deter tourists from exploring our city and patronizing our businesses.

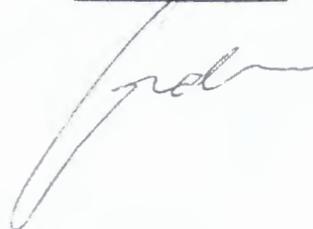
Further, the business owners of Marina and the Ord communities currently pay one of the lowest rates of water under the publicly elected Marina Coast Water District, its water supply now being threatened by the CalAm Desalination project's illegal take of groundwater from other than its own jurisdiction. The seawater intrusion and over draft from the Salinas Valley Groundwater Basin will place the future of potable water and MCWD water rates in major jeopardy and untenable for small businesses in a disadvantaged community that currently receive water from MCWD.

This project is not in the public interest. It benefits Cal Am shareholders, while creating environmental damage and unnecessary financial burden for our community. We ask you to deny this permit.

BUSINESS NAME

OWNER/MANAGER

(31) Ho War Rest.
Marina
3116 Del Monte Blvd.
Marina, CA 93933



November 8, 2019

California Coastal Commission

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BUSINESS NAME

32 Asian Filipino market
330 Reservation Rd #B
MARINA CA 93933

OWNER/MANAGER

Amol Ram OWNER


November 8, 2019

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BUSINESS NAME

33 QQ Noodle

OWNER/MANAGER

Thu Quyen Nguyen
Quyen Nguyen

September 17, 2020

California Coastal Commission

Dear Chair Padilla and Commissioners,

I own a small business in Marina and I am very concerned that our current water bills would increase if CalAm began to pump huge amounts of our groundwater without any legal rights to do this. Under our own public water district, the Marina Coast Water District, we businesses and residents have enjoyed the lowest rates of water in the region. I join the other 33 small businesses that signed a letter last November in opposition to the CalAm Slant Well Desalination project to be built in Marina.

CalAm charges its own ratepayers on the Monterey Peninsula the highest rates of water in the nation. Why would they be allowed to interfere with another water district's supply of water? Our bills would go up if CalAm takes water from our critically overdrafted basin that will further harm our sole source of water by pulling in more seawater into our basin!

Our businesses in Marina also depend on people stopping by to walk our beautiful beaches. When the Cemex sandmining plant closes in three years, we do not want another industrial operation in its place at that same site that would create permanent damage to our beach and dunes!

As you pointed out in the Nov. 2019 staff report, Marina is a disadvantaged community and this is a clear example of environmental injustice. Marina has a 64% non-white population, a higher level of poverty and unemployment compared to the rest of CA. The top 3 non-English languages spoken are Spanish, Vietnamese, and Korean. We deserve to have our natural resources protected just as any other coastal city.

Please deny the CalAm Desalination project!

Thank you,

BUSINESS NAME and ADDRESS

**Monterey Bay Moves
220 9th Street, Marina, CA, 93933**

Name/ Signature OWNER/MANAGER

**Elizabeth Plante
Owner**



Marina business owners are in support of the CA Coastal Commission to deny the CalAm Desalination Project in Marina.

BUSINESS NAME and ADDRESS

Name/ Signature OWNER/MANAGER

August 20, 2020

California Coastal Commission

Dear Chair Padilla and Commissioners,

I own a small business in Marina and I am very concerned that our current water bills would increase if CalAm began to pump huge amounts of our groundwater without any legal rights to do this. Under our own water district, the Marina Coast Water District, we businesses and residents have enjoyed the lowest rates of water in the region. I join the other 33 small businesses that signed a letter last November in opposition to the CalAm Slant Well Desalination project to be built in Marina.

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As you pointed out in the Nov. 2019 staff report, Marina is a disadvantaged community and this is **a clear example of environmental injustice**. Marina has a 64% non-white population, a higher level of poverty and unemployment compared to the rest of CA. The top 3 non-English languages spoken are Spanish, Vietnamese, and Korean. We deserve to have our natural resources protected just as any other coastal city.

Please deny the CalAm Desalination project!

Thank you,



George T. Powell
Coastal Community Realty
3074 Del Monte Blvd Ste D
Marina, CA 93933

DENY Cal Am's Desal Plant Project

Jeannie Ferrara <jeannieferrara@gmail.com>

Fri 9/11/2020 5:44 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission,

I applaud the staff recommendations to deny the De Novo permit and deny the coastal development permit, finding that Cal Am's desal plant project is inconsistent with relevant Coastal Act and LCP policies and that the Commission not approve the Project because the Pure Water Monterey Expansion is a feasible, less damaging alternative that will adequately provide water and protect the public welfare.

Please permanently deny Cal Am's oversized, overpriced desal plant project! Our community passed Measure J to get rid of Cal Am and have public water. Cal Am has had 25 years to solve our water supply problem and they have failed. We don't need a desal plant. It is not in the public interest. Cal Am's desal would double our water bills, which are already the highest priced water in America. Desal damages the environment by harming the coastal habitat and would draw groundwater from an overdrafted groundwater basin NOT under the ocean using slant wells.

Pure Water Monterey Expansion is the feasible and environmentally preferable alternative. It will give us a new water supply much sooner than building a desal plant. Our current water supply from Pure Water Monterey ~ Phase 1 (3,500 acre-feet) ~ will allow us to stop illegal withdrawals from the Carmel River by December 2021 and will restore the Carmel River and protect the Steelhead. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal plant. The Expansion of Pure Water Monterey will provide a long-term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina. The governor has declared a housing shortage in California and there will be no affordable housing without affordable water. Orange County has used this same system for decades.

Cal Am is the only obstacle to the expansion of Pure Water Monterey. Cal Am is blocking it because it will not be profitable for them. Decisions must be made based on what is good for the community and its residents, not what is good for corporations and their stockholders!

Thank you for your consideration,

Jeannie Ferrara, Realtor
Homeowner in Monterey

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Blair Haws <bhaws18@gmail.com>

Fri 9/11/2020 5:30 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Blair Tull. My husband, Peter, and I have been residents of Marina for 2.5 years. I am a physician at Salinas Valley Memorial Hospital, and my husband works from home trading foreign currency. Please make the right decision for Marina and deny this harmful project! Thank you.

Blair Tull, M.D., F.A.C.O.G.

desal plant

Linda Cheatham <bigruffs1616@yahoo.com>

Fri 9/11/2020 5:07 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please reject the Cal Am desal plant.

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Jim Lambert <lambertj4@yahoo.com>

Fri 9/11/2020 4:58 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Subject: Deny Cal-Am's Desal Project - Items Th3a/Th4a

Cal-Am's Desal Project has tremendous environmental impacts. It will cause an enormous increase to home owners with the cost for water.

Pure Water Expansion is the valuable and wise alternative.

Thank you for understanding.

Jim Lambert, 2998 Paralta Avenue. Seaside, Ca. 93955

No Desal Project for Monterey

Lisa Haas <paintqueen@gmail.com>

Fri 9/11/2020 4:53 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission,

I am writing you today, as a concerned citizen and local of 30 years, to ask you to please to deny Cal Am from moving forward with the Desal project in the Marina/ Monterey area.

First off I have read the studies and am concerned about the environmental impact and damage to our coast. Secondly, I also understand the Marina is not happy with the intrusion as it is not legal and they would be drawing water from an over wrought ground water system ..Not the ocean! Thirdly, The projected costs will be enormous and trickle down to us ratepayers even though we have one of the highest water rates in the country already.

We currently have a fantastic solution in place with the expansion of Pure Water Monterey! Pure Water Monterey will provide a long term and sustainable water supply for our future without Cal Ams expensive desal plant and ultimate environmental and economic damage and injustices!

Our community strongly voted to get Cal Am out and work on a public takeover in 2016 and won...however Cal Am has been standing in the way of what the people want for for 4 years now. It is time for you to vote for people you are supposed to serve over profit, greed and corruption! This is in our best interest!

I have watched my water bills quadruple over the last decade with all the conservation efforts and using 1/2 the water I previously used while raising my family! I am older now and struggle with the increase in the water bill!

Affordable Water should be a basic human right... but apparently it is not when run by a corporation that is all about profit and greed... It should be publicly run!

Thank you for listening, Lisa Haas

Lisa Haas
Ph.831-595-2819
Fax 831-375-3011

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Donna Penwell <dcpenwell@sbcglobal.net>

Fri 9/11/2020 4:49 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

September 10, 2020

Steve Padilla, Chair
California Coastal Commission
45 Fremont Street,
Suite 2000
San Francisco, CA 94105

Dear Chair Padilla and Coastal Commissioners:

Please add our voices to the majority of elected officials on the Monterey Peninsula, the Monterey Peninsula Water Management District, Citizens for Just Water, Public Water Now, and tens of thousands of angry California American ratepayers in strongly supporting your staff's recommendation so Cal-Am's desalination project can be rejected and Pure Water Monterey expansion can be brought online as soon as possible.

Cordially,

Donna Penwell and Stanton Ruese
Seaside, CA. 93955

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Donna Penwell <dcpenwell@sbcglobal.net>

Fri 9/11/2020 4:49 AM

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Cordially,

Donna Penwell and Stanton Ruese
Seaside, CA. 93955

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.**Patty Grogan <pgrogan754@gmail.com>**

Fri 9/11/2020 4:44 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Patty Grogan; I am sixty seven years old, and a long time resident of Marina. My parents arrived here with the military in 1951, and decided to stay after my father was discharged. They lived here when I was born in 1953, and I have lived most of my life in Marina. My parents were working class civil servants, not wealthy in the least, and I followed in their footsteps as a member of the working class. I am now retired from the Salinas Union High School District, living on a small pension and social security, and renting a subsidized studio apartment from Chispa housing on Sunset Avenue. I am low-income, as my monthly income from both sources is only \$1,397.00. I have recently had my rent increased by Chispa and it's now at a level that is more difficult for me to meet. If the CalAm desal project is allowed to proceed, and Marina is forced to buy back its own water at increased rates (comparable to the high levels experienced by the Monterey Peninsula) I have no doubt that agencies like Chispa will have to increase rents in order to meet new additional water expenses. This would create a further hardship for me, and many others, if that were to occur.

Being a long time resident, I have seen environmental degradation here in Marina throughout my life: dune buggies destroying the sand dunes, which are now part of Marina State Beach, two operating sand plants carrying away our beautiful dunes, wide-spread and irresponsible development which has destroyed habitat over the years, and multiple sources of pollution on the former Fort Ord lands which now lay within Marina's city boundaries. I have also personally experienced salt water intrusion at my and my parent's former home on Beach Road. We had a well which had been in place since the early 1950's, which we used for our primary water source. We eventually had to close the well off because of salt intrusion, and switch to city water.

Fortunately Marina has seen many advances since those days; dune buggies no longer recklessly destroy the dunes, one sand plant closed and another is due to do so, and environmental remediation on the former Fort Ord is helping to restore Marina to health and a more natural state. I know that we cannot turn back the clock to the Marina of my childhood and youth. We are in need of housing, and businesses to support resident's needs. However, if the CalAm desal plant is allowed to proceed it will further damage the natural beauty and habitat of Marina that still remains, and it will drain our already stressed aquifer. Please do not allow this to happen. Marina already shoulders regional waste and sewage treatment facilities; please don't let CalAm deface our beautiful sand dunes with its desal facility, and take our water for regional distribution.

Please deny this harmful project. Thank you.

Respectfully,

Patty Grogan
3082 Sunset Avenue, #15
831-760-6696

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Tito Acosta <tajr56@yahoo.com>**

Fri 9/11/2020 4:28 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA. Coastal Commissioners, Executive Director John Ainsworth and Staff ,

My name is Tito Acosta. My family and I have resided in Marina since 1989. My father purchased his first house in Seaside in 1970. Which means I have called the Monterey Bay area my home for 50 years. During this time I retired from the US Army after 37 years of service and lived in many other states and countries. My intent for writing this is to protect the beach and surrounding area I have loved for nearly all my life.

Please DENY this harmful project!

Thanks very much.
Tito Acosta

Sent by Tito Acosta

Deny Cal-Am's Desal Project - Items Th3a/Th4a**Jeff Hawkins <jeff.hawkins@sbcglobal.net>**

Fri 9/11/2020 4:27 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: Jeff Hawkins <jeff.hawkins@sbcglobal.net>

Dear Coastal Commissioners,

Please deny Cal-Am's request, it simply is not the right answer for our decades old water supply source. Cal-Am has constantly mislead their customers, has proposed a very expensive solution and has done everything they can to harm other efforts that make more common sense.

Regards,
Jeff Hawkins
25495 Via Paloma
Carmel, CA 93923

DO THE RIGHT THING - DENY Cal Am's Desal Project

Larry Parrish <lparrish@toast.net>

Fri 9/11/2020 4:24 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

RE: Application No. 9-19-0918 and Appeal No. A-3-MRA-19-0034 (Cal Am CDP)

Dear Chair Padilla and Commissioners:

It's been a long and hair-raising process, and now, finally, you have the authority to DO THE RIGHT THING, and deny the permit for Cal-Am's (CAW) dishonest and totally illogical desal plant. From the beginning, CAW has applied a false premise, and false promise, regarding this desal proposal. And that is, the simple fact that the source water is not coming from beneath the ocean, (as CAW declared) but in reality the water is coming from freshwater aquifers beneath inland surfaces - namely, the Dune Sands Aquifers. This is not supposition, this is factual, and everyone, including the CCC, knows it. Therefore, all data, and all modeling, and all the claims CAW has made - are FALSE and irrelevant and inaccurate. For this fact alone, not to mention a dozen or more other reasons, the project should be denied. DO THE RIGHT THING ! DENIAL.

The Commission report claims that there is no proven environmental harm to come from the proposed desal. I beg to differ. First of all, from the beginning, CAW has asserted that as they pump more and more water from the slant well (s), the salinity of the pumped water will increase. This is their claim, this is the truth. That simply means that those freshwater aquifers will become more saltier and seawater intrusion into those aquifers will increase. That's damage enough. Secondly, since there is also no proof that environmental damage will NOT occur, does this mean that the Commission's policy is to allow irreversible environmental damage to perhaps occur, then after the damage is done, to then somehow mitigate, or reverse, the irreversible damage? Once those aquifers are ruined, they're ruined, probably for a very long time. How can that possibly be your position? If one hasn't proven that damage will occur (in your opinion), how can you say, without proof, that it won't occur? That's a gamble the CCC shouldn't be taking.

Finally, I believe there are many overwhelming reasons to deny this project on numerous grounds, and if you have read all the information

available, you should reach a similar conclusion.

PLEASE, DO THE RIGHT THING & DENY THIS PROJECT.

Thank you for your consideration,
Larry Parrish
Carmel Valley

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Al Shamble <ashamble@prodigy.net>

Fri 9/11/2020 4:15 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Coastal Commisioners : Your job is to defend the the California coastal environment. I hope you will do so . Science matters as we have learned during the covid experience ! This is desal plant is not science ! Let's not allow an unproven desal experiment taint our precious water. Nowhere in the world has this design been proven. Why even think to try it here? The slant well scheme will use ground water and purify it ? and not just ocean water. It steals water from Marina that will not be replaced. As a home owner in Marina I oppose Cal Ams plans as environmentally insensitive and damaging. Future generations depend on having healthy beaches, oceans, water, and air to breath. We need your help !

Thank you,

Al Shamble

East Garrison Marina 93933

Appeal No. A-3-MRA-19-0034 Deny CalAm Desalination Project Permit**Grace Silva-Santella <ssgardens2@gmail.com>**

Fri 9/11/2020 4:07 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 1 attachments (6 MB)

IMG_20200801_120458.jpg;

Dear CA Coastal Commissioners, Executive Director John Ainsworth and Staff:

My name is Grace Silva-Santella. In 1958 I was born on the Monterey Peninsula. My husband and I purchased a home in Marina 31 years ago. I have been an active participant in Marina government having served ten years on the Marina Planning Commission. Recently I served on the Downtown Vitalization Specific Plan Committee.

In 2000, when I chaired the Marina Planning Commission General Plan Update meetings, the Planning Commission inserted language relative to Dunes Dr to prevent the road from extending North to the Cemex property. We did that in 2000 knowing we, as a city, would want to prevent any development of the Cemex property once the sand plant activity was shut down.

That day is now. The sand mining will soon end. Marina will return this stretch of dunes land back to its natural habitat. CalAm DOES NOT have the right to convert this property to a desal project. CalAm does not have the right to install seven (!!!) 5,000 to 7,000 sq ft concrete slabs to accommodate the slant wells.

Please, deny this harmful project.

Thank you,

Grace Silva-Santella
3230 Susan Ave
Marina
831-238-4286

Deny Cal-Am's Desal Project - Items Th3a/Th4a

nyassany <nyassany@aol.com>

Fri 9/11/2020 4:07 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please consider denying CalAm's project. It's really beyond the pale. It's impacts are difficult to countenance, and will lead to furthering our difficulties.

-- Norman Yassany
1597 Lowell St.,
Seaside.

Sent from my Verizon, Samsung Galaxy smartphone

Deny Cal-Am's Desal Project

Sam Norris <samcolnorris@sbcglobal.net>

Fri 9/11/2020 3:50 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Greetings, Commissioners:

Please follow your staff recommendation and deny the Cal Am desal permit for the Monterey Peninsula. This desal plant is unnecessary to meet our water supply needs, will provide prohibitively expensive water, will damage the environment, and will perpetuate environmental injustice in Marina where it would be cited.

Please let common sense guide you. Vote No on the CalAm Desal!

Thank you,

Colette Erreca-Norris and Sam Norris
40 Del Mesa Carmel
Carmel, California 93923

Deny Cal-Am's Desal Project

Peggy Olsen <pegoo@comcast.net>

Fri 9/11/2020 3:35 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am a resident of Monterey and am very much opposed to Cal Am's Desal Project.

Peggy Olsen

DENY CAL AM'S DESAL PROJECT**NASUSNINE@hotmail.com <NASUSNINE@hotmail.com>**

Fri 9/11/2020 3:31 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Esteemed Members of the California Coastal Commission,

The Coastal Commission's Staff Report got things right. Cal Am's desal project is not in the public's interest. Pure Water Monterey's Expansion is the feasible and environmentally preferable alternative. It will give us a new water supply much sooner than desal. Our current water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to stop illegal withdrawals from the Carmel River by December 2021. It will restore the Carmel River and protect the Steelhead. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal or the PWM Expansion.

We don't need Cal Am's oversized, over-priced desal project to solve our problem. The expansion of Pure Water Monterey will provide a long-term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina. No housing is affordable without affordable water. Cal Am's desal would double our water bills, already the highest in the nation. Cal Am is the only obstacle to the expansion of Pure Water Monterey. Passing Measure J was the community's statement. Desal damages the environment, costs too much and creates environmental injustice. Desal harms the coastal habitat and Marina's beautiful dunes. Desal has no legal source water as it would draw groundwater from an over drafted groundwater basin.

Pure Water Monterey's expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. It is contractually secure and drought proof. It is environmentally sustainable. Cal Am has had 25 years to solve or water supply problem without success. Our public agencies have solved it in the last 6 years. Now all the water we need for decades is available, but Cal Am is blocking it. Cal Am has one and only one purpose in mind. Increasing profits for its shareholders. Those aligned with desal are special interest groups that will profit from having unlimited water credits to develop the heck out of our beautiful and sensitive coastal areas for personal gain whatever the cost to the environment and the average resident. We already are reeling from shocking water bills. The more we conserve the more expensive our water becomes. It's a catch 22 situation.

Please do not vote to approve this horrible desal alternative when a much better, quicker, cheaper and more environmentally friendly alternative exists using cutting edge recycling techniques. We are putting our trust and faith in you to do the right thing for the environment and the public.

Susan Nine, President
Monterey Vista Neighborhood Association
Monterey's largest residential neighborhood

Sent from my iPad

Sent from my iPad

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Veronica San Chirico Miller <tovernwithlove@yahoo.com>

Fri 9/11/2020 3:16 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I'm writing in opposition to the desal project for multiple reasons. The Monterey Peninsula is an incredibly difficult place to survive financially. Parts of our community with the financial resources to support a project like this (Pacific Grove or Carmel) are not a part of the equation. However, lower income cities (Seaside and Marina) are expected to foot the bill and bear the environmental costs. This is wrong. I am a resident of Seaside. I do not want the people in Seaside having to subsidize the city of Castroville's water. This is an unfair burden to put a on a city who is in need of its own support. Also, I am not supportive of a plan that will face difficulties in 25 years with regard to problems with underground pipes or salt water intrusion. Lastly, and most importantly, this project is unnecessary. There are other, less expensive and more sustainable ways to meet our water needs. Thank you for your consideration.

Veronica Miller



To meet the challenges of declining resources and climate change by helping our communities transition to sustainable practices.

September 10, 2020

Dear California Coastal Commissioners,

Board Members:

Cathy Rivera
Acting President

Kathleen Craig
Recording Secretary

Matthew Hess
Treasurer

Karen Andersen
Marina

Catherine Crockett
Seaside

Laurie Eavey
Monterey

Robert Frischmuth
Pacific Grove

Ellen Gannon
Carmel

Robin Lee
Salinas

Nancy Selfridge
Monterey

Renée Waina
Del Rey Oaks

Communities for Sustainable Monterey County (CSMC) is an alliance of concerned citizens working through eight local chapters locally to meet the challenges of declining resources and climate change. We share a common goal of advocating for the changes needed to safeguard the long-term health of our environment and the resources needed to sustain current and future generations.

We urge the Coastal Commission to deny the Cal Am Desalination Project Coastal Development Permit. CSMC declares its support for the City of Marina and Marina Coast Water District at this latest California Coastal Commission hearing to consider an alternative to the Cal Am Slant Well Desalination, i.e. the Pure Water Monterey (PWM) Expansion Project proposed by Monterey One Water as a feasible and affordable alternative to the Cal Am Slant Well Desalination project.

Of the many valid reasons in support of this alternative, CSMC's focus is from the perspective of greenhouse gas emissions.

It is CSMC's position that in terms of greenhouse gas (GHG) emissions, the Pure Water Monterey (PWM) Expansion Project is the only acceptable alternative. It is clearly and scientifically established that GHG emissions cause climate change. In evaluating the merits of projects, their respective impact on climate change must be seriously considered. According to the CCC staff report prepared for this Sept. 17th meeting, Cal-Am's proposed desal plant would generate over 2.5 times the CO2 GHG emissions compared to Pure Water Monterey Expansion, with the desal plant using twice as much electricity as the PWM Expansion Project.

The existential threat to our civilization posed by climate change makes mitigation imperative, hence our strong support for the alternative with the lower carbon footprint, i.e. the Pure Water Monterey Expansion Project. Our position is consistent with our mission to "help our communities transition to sustainable practices as we face climate change and the depletion of our natural resources".

Sincerely,

Cathy Rivera
Acting President



283 Grove Acre Ave.
Pacific Grove, CA 93950

A non-Profit 501(c)3
E: sustainablemontereycounty@gmail.com
W: [sustainablemontereycounty.org/](http://www.sustainablemontereycounty.org/)

Deny Cal-Am's Desal Project - Items Th3a/Th4a**Melissa Hutchinson <melhutch236@gmail.com>**

Fri 9/11/2020 3:12 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Coastal Commissioners,

As a resident of Pacific Grove and Cal Am customer, I urge you to choose the Pure Water reclamation project over Cal Am's desalination plant. I believe Pure Water can serve the needs of the Monterey Peninsula with a smaller environmental and energy footprint. Furthermore, the Cal Am desalination plant places an undue burden on the residents of Marina who will not benefit and may be harmed by more industrial development.

Sincerely,

Melissa Hutchinson

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Alice Angell Green <aa4green@yahoo.com>

Fri 9/11/2020 3:12 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Coastal Commission:

Please deny Cal-Am's current desal project request. As has been determined by your staff, this particular project is, at best, quite ill-conceived and short-lived, and hence short-sighted. At worst, it actually helps destroy the Marina Aquifer over time; does this make any sense at all? Of course not! Even if some sort of desal ends up being used in the future in this part of the Central Coast, this project should not be considered as viable.

Thank you for your time.

Alice Angell Green
16 Saucito Avenue
Del Rey Oaks, CA 93940
831-899-2673

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Canright, David (CIV) <dcanright@nps.edu>

Fri 9/11/2020 3:00 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>
Cc: Energy@Coastal <EORFC@coastal.ca.gov>

Steve Padilla, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Chair Padilla and Coastal Commissioners:

I have lived in Del Rey Oaks, California, for over 30 years, and I am sick of the mis-management and price gouging that California American Water Co. (Cal-Am) has inflicted on me. And now they want to build a very expensive desalination plant in nearby Marina because in the past quarter century they have done nothing about their unlawful diversions of water from the Carmel River. Of course, this for-profit company will force all of us local residents to pay for this terrible idea.

The proposed Cal-Am de-sal plant is terrible for several reasons. The biggest reason is that we do not need it! Pure Water Monterey is providing water in an economical and environmentally sensible way; their current capacity is sufficient to reduce Carmel River diversion to legal levels. Both the Monterey Peninsula Water Management District (MPWMD) and the Marina Coast Water District recommend expanding Pure Water Monterey (PWM) to meet our future needs, rather than de-sal.

Another reason the proposed Cal-Am de-sal plant is terrible is environmental degradation from increased salt-water intrusion and concentrated brine effluent in the Marina area. Moreover, Marina residents will get NO benefit, they will not use that desalinated water.

The proposed de-sal plant seems like the most expensive approach imaginable. Their proposed capacity would far exceed needs, so running the plant under capacity makes the cost of the water that much worse. We already pay the highest water rates in the country!

You may hear from the hospitality industry and developers that we need a lot more water. No, they may want more water, to profit from this wonderful location, but if so, they should pay for it, and not punish the people who live here!

So please, support your staff's recommendation to allow the Pure Water Monterey expansion, and reject this terrible Cal-Am de-sal swindle!

Sincerely,

David Canright
830 Altura Place
Del Rey Oaks, CA 93940

Letter on Cal Am Desal Plan in Marina

JEANNE HERRICK <shivani108@comcast.net>

Fri 9/11/2020 2:56 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: SHIVANI108 <shivani108@comcast.net>

Dear Coastal Commission:

I am a property owner in Pacific Grove, California and have been for thirty years. I am against Cal Am's development of a desalination plant as the solution to the provision of an adequate water supply to the Monterey Peninsula. The Cal Am desalination plant will unnecessarily affect the cost of water for everyone on the Peninsula for decades to come. We have other water solutions that are less costly, Pure Water Monterey. I have personally visited the plant as a concerned citizen to review its operation. Cal Am's desalination plant would harm the environment with 8,000 metric tons of CO2 and perpetuate environmental injustice in Marina where it would be sited. Pure Water Monterey will provide affordable water without a large, negative environmental impact.

Cal Am will profit from this desalination plant and we will pay with huge raises in our water bills when we already have one of the highest costs in the nation. This is not the new water supply we need. There is a far better alternative. Expanding the Pure Water Monterey project is the cost-effective, environmentally sound solution.

I ask you to deny this Cal Am desalination proposal as your commission staff have recommended. Your staff are trained scientists and experienced staff who evaluate and analyze these types of projects. Their own independent evaluation and hydrology report confirm Pure Water Monterey can provide sufficient water to meet the cease and desist order for the Carmel River, provide sufficient water for current demand as well as allow for development, including low-income housing.

Sincerely,
Jeanne Herrick
955 14th Street
Pacific Grove, Ca 93950

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.**Katherine Biala <kybiala@icloud.com>**

Fri 9/11/2020 2:54 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>



Photo from CCC meeting on March 12, 2020 in Scott's Valley.

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Kathy Biala, a resident of Marina (first row, second from the right). At the last Coastal Commission meeting to be held in-person before the Shelter-in-Place ordinance became effective, this group of Just Water residents of Marina, pictured above, traveled to Scotts Valley to speak before you. Our Marina community has been doing this for several years now and we thank your staff for twice recommending denial of the CalAm CDP.

We anxiously await your final decision as Marina's future is truly in your hands. The devastation in the short term and in the long term future will unfold into a most sad and irreversible series of assaults to our humble community if you vote against Marina on Sept. 17.

Please be a sign of hope to every community of color in California and in every state in the U.S. that the historic trend of domination and abuse of disadvantaged communities will be effectively stopped by your strong example, set by your vote here and now. This will be an amazing precedent for so many small cities like Marina that we were able to prevail over a mega corporation with its intent to exploit communities of color.

Please deny the CalAm CDP and support your excellent staff's recommendations!

Cordially,

Kathy Biala,
Resident of Marina

Kathy Biala

kybiala@icloud.com

cell: 831-242-0023

Mailing address: 3012 Crescent St.
Marina, CA 93933

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Joseph Hertlein <joe Hertlein@gmail.com>

Fri 9/11/2020 2:49 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I urge you to deny the Cal-AM Desal Project. There are less expensive, environmentally friendlier and better solutions such as the Monterey Pure Water Recycling Replenishment project. We do not need the Cal-Am desalination project. It is too expensive, not environmentally friendly and could irreparably harm groundwater tables and add to saltwater intrusion. Please deny the Desal project.

Joseph Hertlein

joe Hertlein@gmail.com

831-659-9765 (office)

831-236-3461 (cell)

Please Reject the Cal Am Desalinization Plant Proposal

KimMarie Hansen <kimmariehansen99@gmail.com>

Fri 9/11/2020 2:39 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Members of the California Coastal Commission,

As a resident and customer of Cal Am Water, I oppose the Desalinization Plant being currently proposed. Please reject the Cal Am Desalinization Plant Proposal.

Thank you for considering my input.

Sincerely,

KimMarie Hansen

924 Rosita Road

Del Rey Oaks, CA 93940

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

dchodges3@aol.com <dchodges3@aol.com>

Fri 9/11/2020 2:24 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA. Coastal Commissioners, Executive Director John Ainsworth and Staff ,

My name is Doug Hodges and I am a 34 year resident of Marina. I am retired and my family and I have resided in Marina since 1986.

Please DENY this harmful project !

Thanks very much ,
Doug Hodges

DENY Cal Am's desal project**Mary Jane Dziedzic <maryjane1812@comcast.net>**

Fri 9/11/2020 2:07 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners,

Please deny the Cal Am desalination project.

The environmental issues facing the Carmel River have been resolved by Pure Water Monterey, without the need for Cal Am's overpriced desal.

The state's deadline to stop extracting water from the Carmel River is met by Pure Water Monterey. We, a majority of taxpayers, as shown by the passage of measure J, are tired of the lies and failures of Cal Am. We have a viable plan, and Cal Am is blocking it.

Give us the chance we need. Deny Cal Am's desalination project.

Regards,

Mary Jane Dziedzic

Pebble Beach, CA

Sent from my iPad

Deny Cal-Am's Desal Project - Items Th3a/Th4a**Anne Canright <acanright@comcast.net>**

Fri 9/11/2020 2:00 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

Cc: Energy@Coastal <EORFC@coastal.ca.gov>

Steve Padilla, Chair

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

Dear Chair Padilla and Coastal Commissioners:

I am a resident of Del Rey Oaks, California, and a captive customer of California American Water Co. (Cal-Am). I am strongly opposed to Cal-Am's proposal to build a desalination plant in my neighboring community of Marina. In this opposition I join the majority of elected officials on the Monterey Peninsula, the Monterey Peninsula Water Management District (MPWMD), Citizens for Just Water, Public Water Now, and pretty much all of the local residents I have spoken with, who already put up (perforce) with the highest water rates in the nation.

Rather, I support your staff's recommendation to allow the Pure Water Now expansion, as a feasible and significantly less environmentally damaging alternative to Cal-Am's project, one that analysis has shown will meet the Peninsula's water needs.

My primary concern with the desal project, as the MPWMD has clearly demonstrated, is that the desal facility will potentially generate much more water than is foreseeably demanded (perhaps for the rest of the century). Yet production at reduced capacity costs significantly more than production at full capacity. As a result, our water rates would rise substantially, doubling, tripling or more—from what are already the highest rates in the nation. Why should we ratepayers, not Cal-Am (or its shareholders), pay for this very expensive, and unwanted, project?

A secondary concern is one of environmental justice: the city of Marina does not benefit from Cal-Am; it receives its water from a different entity. Yet it will bear the physical brunt of the desal plant being located within its city limits, with seawater intrusion into its own groundwater a sure result. This would *not* happen in affluent Carmel or Pebble Beach, you can bet on that.

Cal-Am has had twenty-five years to address the state order to terminate unlawful diversions from the Carmel River. A quarter-century—and *now* it proposes this boondoggle, the most expensive, most *profit*-generating option possible. That is wrong and should not be rewarded.

I urge the Commission to vote down the desal proposal and instead allow Pure Water Now to expand to meet the water needs of our Peninsula, sustainably and progressively.

Sincerely yours,

Anne Canright
830 Altura Place
Del Rey Oaks, CA 93940

Not to approve Cal Am's desal project

Norberto Garcia <felipengarcia30@gmail.com>

Fri 9/11/2020 1:25 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

No estamos de acuerdo que aprueben el proyecto de desalinizacion de Cal Am.

Gracias

Rodrigo García

Seaside ca 93955

Sent from my iPhone

Cal Am desal project

David & Caryl Rojas <rojas@ultimanet.com>

Fri 9/11/2020 1:19 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Coastal Commission;

The desal project proposed by California American Water (Cal Am) is badly planned. I do not want it.

Edith Caryl Rojas
Del Rey Oaks, CA

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Shelby Fredrick <sfredrick@csumb.edu>

Fri 9/11/2020 1:18 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Materials <materials@coastal.ca.gov>

My name is Shelby Fredrick, and I am a student at CSU Monterey Bay. I am writing to express my concerns about the proposed California American Water (Cal-Am) desalination (desal) project in the city of Marina. I stand in agreement with the report released by Coastal Commission staff recommending that the Coastal Commission deny approval of the proposed desal project. Cal-Am's proposed desal project presents great local ecological and environmental injustices, is an inefficient use of resources, and is a less viable water source alternative than the Pure Water Expansion wastewater recycling project.

As mentioned in the staff Coastal Commission report, the desal plant presents numerous environmental issues that make the project non-compliant with the Coastal Act and the Local Coastal Program. Such issues include destruction to the local coastal dune ecosystem which is a terrestrial environmentally sensitive habitat area (ESHA), potential groundwater drawdown that could adversely impact nearby wetlands, and changes to the ocean's water chemistry from the plant's discharge brine.

The desal project is estimated to cost 2 billion dollars to construct, which would be absorbed by Cal-Am's ratepayers who already pay some of the highest water rates in the country. The Pure Water expansion project is only estimated to cost 90 million dollars. And while the desal project would only provide potable water for areas on the Monterey peninsula and Castroville, the Pure Water project would provide water for a greater region of Monterey County, including Seaside and Marina. This brings up another crucial argument against the desal project, which is the serious environmental justice issues the desal plant poses for the city of Marina.

The desal plant would be located in the city of Marina, which is not even in Cal-Am's service area, but would receive a disproportionate environmental burden than cities within Cal-Am's service area. The city of Marina already holds multiple industrial facilities and is a historically underserved community compared to more affluent cities on the Peninsula, such as Pacific Grove and Carmel. The argument that communities with existing industrial facilities should not be concerned with the addition of one more industrial facility is plagued with privilege and insensitivity. To proponents of the desal project, I ask: Would you still support this project if it were to be located on Windows on the Bay or along 17-mile drive?

Sincerely,

Shelby Fredrick

Deny Cal-Am's Desal Project - Items Th3a/Th4a

Daniel Emerson <demerson@lightandmotion.com>

Fri 9/11/2020 1:16 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

As a resident of Carmel for 13 years and a concerned and engaged citizen who also runs a local business located in Marina on the old Fort Ord base, I am opposed to the CalAm desalinization project until such time as alternative sources of water, specifically recycling and conservation, are fully engaged and on-line. We need to prioritize conservation and re-use over expensive capital projects that do not appear at all competitive with well understood and proven methods for increasing supply.

Cal Am has been pillaging our community water for way too long. We need to take local control of our water and care for it and manage it. Desalinization may be a necessary element in future water supply but the CAL Am Proposal is not the deal we should invest in.

Resident:

Daniel Emerson
24509 Portola Ave
Carmel, CA 93923

Business owner:

CEO
Light & Motion
Hangar 535
711 Neeson Road
Marina, CA 93933
831-207-4699
831-402-5708 m
www.lightandmotion.com



Deny Cal-Am's Desal Project - Items Th3a/Th4a

Mark Anicetti <markanicetti@gmail.com>

Fri 9/11/2020 1:14 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Staff,

Please deny CalAms desalinization project. Dumping so much concentrated salt of our coast will kill so many creatures in our deep canyon marine reserve - where that heavy salty water will concentrate. This is a terrible and expensive idea. Stop CalAm.

Thank you!

Mark and Natalie Anicetti

--

Mark Anicetti LUTCF

markanicetti@gmail.com

831-521-1637

Lic 0C81295

DENY CalAm's Desal Proposal

Craig Scott <craigscottuu@gmail.com>

Fri.9/11/2020 1:11 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear commissioners -- The voters have spoken and they do not trust CalAm, which already charges us the highest water rates in the country. Please follow your staff report and deny a permit for a Desalination plant in Marina.

Desal may be appropriate at some point, but right now CalAm's slant well technology is unproven, and the project will be incredibly expensive. Of course CalAm will then charge water users for the cost of the plant. Meanwhile, Pure Water Monterey provides a much more cost-effective approach. Moreover CalAm's right to the groundwater it would be drawing is unclear at best.

There are no good reasons to grant this permit, and many reasons to oppose it.
Please DENY this proposal.

Rev. Craig Scott
Pacific Grove, CA 93950

Desal Plant Proposed by Calam

Dianne Nielson <dianne@redshift.com>

Fri 9/11/2020 12:52 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I would like go on record that I am opposed to Calam's proposed desal project in Marina, CA.

Dianne Nielson

1296 Lowell St

Seaside, CA 93955

FW: Deny Cal Am's permit

frederica jones <outlook_BD9B446720695E4E@outlook.com>

Fri 9/11/2020 12:42 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Subject: Deny Cal Am's permit

Dear Commissioners,

I have been a Del Rey Oaks resident for over 13 years and unfortunately have been a repeated Cal-Am ratepayer. My rates have sky rocketed, and I have been using less water..... as requested... The repeated and extended Sur charges are RIDICULOUS!!!

PLEASE, DO NOT be swayed by their politics. PLEASE DENY Cal-Am's permit for their desal project.

Thank you for your time,

Jack Jones

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Terrill Keeler <terrillkeeler@yahoo.com>

Fri 9/11/2020 12:32 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission,

I am a resident of Marina, California and am deeply concerned about the desalinization plant that Cal Am has proposed building in our city. I do not want our water supply contaminated by salt water intrusion that would come through the slant wells.

The Pure Water Monterey Project is able to expand to provide for the Monterey Peninsula's water at a fraction of the cost of the desal plant and with no impact on our beautiful Monterey Bay Coast.

Please support environmentally and fiscally responsible water supply projects and say no to the Cal Am desal plant.

Thank you for your consideration of my opinion.

Sincerely, Terrill Keeler

Cal-Am Project

Ronald L. Ebey <rmcrlebey@gmail.com>

Fri 9/11/2020 12:26 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Quit trying to destroy the City of Marina! Do NOT approve Cal Am's request for a permit for a desalination plant in Marina!

The only logical solution is to expand Pure Water Monterey. This is the only way to ensure equity and justice for the people and cities on the Monterey Peninsula.

Please think seriously and hard about this and be fair to the City of Marina, the citizens of Marina, the Cities of Monterey Peninsula and the citizens of Monterey Peninsula.

Thank you very much.

Sincerely,

Ronald L. Ebey
Citizen of Monterey

Sent from my iPhone

Cal-Am Project

Kate Bergam <serpak@yahoo.com>

Fri 9/11/2020 12:23 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Coastal commissioners,

After reading the open letter by the democratic women of Monterey County to you, as a resident of the Monterey peninsula and neighboring Marina, I do not support Cal-Am's desal plant and urge you to expand Pure Water Monterey. Future water supply projects on the Monterey peninsula must be designed with equity and justice for all.

Thank you,

Kate Bergam

Monterey's Desal

jhparise@aol.com <jhparise@aol.com>

Thu 9/10/2020 11:58 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

If you lived here, you would understand the daily issues. Please deny Cal Am's desal.

Gratefully,

Janice Parise

Pacific Grove, CA

Appeal No A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Sam Odell <odell.sam@gmail.com>

Thu 9/10/2020 11:57 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>



Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff,

I moved to Marina in 2016 to be closer to my children and grandchildren. While I am retired, I volunteer locally when I am not taking care of those cute grandkids. I read the recent staff report on Cal Am's proposed Slant Well project, and could not agree more with the staff recommendation to deny the permit.

Marina bears too big a burden for the region's industrial needs. Our city already hosts a regional landfill, a regional composting site and a regional sewage plant. But at least Marina benefits from those industrial sites. Our city would derive NO benefit from CalAm's Slant Well project. And our aquifers that supply our city's water will be endangered.

I don't want to reiterate all the points of the staff report, except for this one. You adopted an Environmental Justice Policy last year to promote equitable distribution of environmental benefits throughout the state. Marina has historically been marginalized and discriminated against in land use decisions. Don't blow your first chance to uphold the Environmental Justice Policy.

I urge you to deny the CalAm Slant Well Project.

Sincerely,
Suzanne Thomas Odell
Marina, CA

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Susan Welch <susanwelchmft@live.com>**

Thu 9/10/2020 11:34 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 1 attachments (6 KB)

Picture Facebook.jpg;

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Susan Welch; I am a resident of Marina, Ca. I am a Military Family Life Counselor, serving the active duty military families of Walter Colton Middle School and Seaside Middle School. My European American ancestors played a large part in bringing electricity to the city of Fresno, and establishing the WYCA there.

Please deny this harmful project. Thank you.

Susan Welch

Cal Am's Desal Project

Nancy <ncshaw@mind.net>

Thu 9/10/2020 11:32 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I am opposed to the Cal Am Desal Plant.

Cal Am's Desal project is not in the public interest. Pure Water Monterey Expansion is a feasible and environmentally preferable alternative.

- It will give us a new water supply much sooner.
- This new water supply will allow us to restore the Carmel River and stop illegal withdrawals by December 2021.
- Expansion of Pure Water Monterey provides a long-term sustainable water source that protects the Carmel River and the Seaside basin.
- Orange County has used this same system for decades so it has been proven effective.
- Cal Am is the only obstacle to the expansion of Pure Water Monterey.
- Cal Am cannot be trusted. Passing Measure J was the community's statement
- Desal will double our water bills.
- Desal harms the coastal habitat and Marina's beautiful dunes
- Desal has no legal source water, it would draw groundwater from an overdrafted groundwater basin. PWM Expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. It is contractually secure and drought proof.
- Cal Am has had 25 years to solve or water supply problem and has failed to do so.

Please do not allow this project to proceed.

Nancy Shaw
889 Laurel Ave
Pacific Grove, CA 93950

DeSal Permit

Michael Warburton <warburto@sonic.net>

Thu 9/10/2020 11:30 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

PUBLIC TRUST ALLIANCE

A Project of the Resource Renewal Institute
187 East Blithedale Avenue
Mill Valley, CA 94941
Tel.: (510) 610-0868

September 10, 2020

Dear California Coastal Commission,

What compels you to convene this "hearing" in the midst of the most dangerous pandemic and confluence of environmental crises that California has ever faced? Is it just the current opinions of a few "legal professionals" or have these opinions somehow become misleadingly conflated with the "force of Law" more generally? Do these project proponents require a formal "denial" to stop a possibly unreasonable "project?" Or have circumstances changed so profoundly since it was proposed a decade ago that it can now be easily seen that the initial burden to demonstrate project reasonableness has not been met?

Many Californians take it for granted that the CPUC can only certify reasonable projects and that the initial burden of demonstrating reasonableness lies on the utility applicant. This requirement is usually met with evidence rather than assumption. In this case, more than a decade of complex litigation has yet to be formally "closed." Do you even know whether the "CPUC process" has already alienated the California Public's trust interest in its coastal resources or whether you are being told to do this separately?

Of course you can give Cal Am their "Denial" if they insist upon it, but perhaps this time could be more beneficially used by everybody by having Cal Am demonstrate how they could be a constructive "team player" in implementing the much less expensive and environmentally friendly alternative water supply infrastructure which other parts of the community have been working on for years. If the California Coastal Commission is to say "yes," it certainly helps to have the "right" project under consideration.

Thank you for taking this concern into consideration.

Michael Warburton
Executive Director



September 10, 2020

Steve Padilla, Chair
California Coastal Commission
45 Fremont Street,
Suite 2000
San Francisco, CA 94105
Email to EURFC@coastal.ca.gov, CalAmMonterey@coastal.ca.gov

Subject: September 17, 2020 Agenda Item TH3a & 4a - Appeal No. A-3-MRA-19-0034 (California American Water Company, et al., Monterey Co.); Agenda Item Thursday 9a - Application No. 9-19-0918 (California American Water Co., Seaside, Monterey Co.)

Dear Chair Padilla and Coastal Commissioners:

LandWatch joins the majority of elected officials on the Monterey Peninsula, the Monterey Peninsula Water Management District, Citizens for Just Water, Public Water Now, and tens of thousands of angry California American ratepayers in strongly supporting your staff's recommendation that:

1. "... the Pure Water Expansion is a feasible alternative to Cal-Am's Project, will allow Cal-Am to cease its illegal water withdrawals from the Carmel River and meet the region's water needs, and is the preferable, least environmentally damaging alternative."
2. "The Pure Water Expansion would also result in fewer environmental and economic burdens to the communities of concern within Cal-Am's service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented."
3. "... the [Cal-Am] Project is inconsistent with relevant Coastal Act and LCP policies and [] the Commission may not approve the Project despite those inconsistencies because the PWM Expansion is a feasible, less damaging alternative that will adequately provide water and protect the public welfare."

Please refer to our [September 17, 2020 PowerPoint presentation](#) that summarizes LandWatch's support for denying Cal-Am application.

As we noted in [LandWatch's November 11, 2019 letter](#), the staff report concludes, the project:

- Is inconsistent with the City of Marina's Local Coastal Plan policies and the Coastal Act regarding Environmentally Sensitive Habitat Areas (ESHA), coastal hazards, and placement of fill in coastal waters.
- Does not qualify for the Coastal Act Section 30260 exception to permit a coastal-dependent industrial facility that is inconsistent with these policies:

- the project cannot meet the first element of the Section 30260 test because there is a feasible alternative in a different location that is less environmentally damaging;
- the project cannot meet the second element of the Section 30260 test because denial of the permit will not adversely affect public welfare, but will in fact promote public welfare; and
- the project cannot meet the third element of the Section 30260 test because it has not been mitigated to the maximum extent feasible.

As the Monterey Peninsula Water Management District has clearly demonstrated, a critical problem with the desalination facility is that it would generate much more water than is foreseeably demanded. This would raise water rates substantially because smaller delivered quantities of desalinated water would have to cover the same large, fixed costs. Table 8 of the staff report shows that the cost per acre foot of water with the desalination plant running at 4,300 AFY instead of full capacity would be \$8,294/AF. This compares with \$6,094/AF with the plant running at full capacity, a level that would not be reached for many years, if ever (Staff Report, pp. 128-129). By contrast, water from the Pure Water Monterey expansion would cost \$2,340/AF (Staff Report, p. 128).

Even with the extremely optimistic demand at **three times the historic absorption rate**, the desalination plant will not run at capacity in this century. The Water Management District concludes that Pure Water Monterey expansion is sufficient until 2043 with demand at three times the historic absorption rate (Staff Report, p. 128). With water rates certain to rise, it is equally certain that demand will not reach three times the historic absorption rate -- unless the basic economic law of supply and demand miraculously doesn't apply to desalinated water. In relationship to absorption rates, consider that there are more than 9,000 houses with water entitlements that have been approved, but not built throughout Monterey County, including more than 700 within the Monterey Peninsula Water Management District.

LandWatch has long advocated for timely and affordable solutions to sustainable water on the Monterey Peninsula. **We ask that you support your staff's recommendation** so Cal-Am's desalination project can be put to bed and Pure Water Monterey expansion can be brought online as soon as possible.

Sincerely,



Michael DeLapa
Executive Director

DENY Cal Am's Desal Project

cjj2000@juno.com <cjj2000@juno.com>

Thu 9/10/2020 11:19 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To: Commissioners Date: September 10, 2020

Re: DENY Cal Am's Desal Project

I have been a Monterey resident for 40 years and I recommend that you deny the Cal Am Desal Project.

Cal Am's Desal project is not in the public interest.

Pure Water Monterey Expansion is the feasible and environmentally preferable alternative. It will give us a new water supply much sooner than desal. Our current water supply from Pure Water Monterey - Phase 1 (3,500 acre-feet) will allow us to stop illegal withdrawals from the Carmel River by December 2021.

Our current water supply will restore the Carmel River and protect the Steelhead. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am's desal or the Pure Water Monterey expansion.

There is no Carmel River crisis. We don't need Cal Am's oversized, over priced desal project to solve our problems.

The expansion of Pure Water Monterey will provide a long term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina.

There won't be affordable housing without affordable water. Cal Am's desal would double our water bills. Cal Am is the only obstacle to the expansion of Pure Water Monterey.

Cal Am cannot be trusted. Passing Measure J was the community's statement.

Desal damages the environment, costs too much and creates environmental injustice. Desal harms the coastal habitat and Marina's beautiful dunes.

Desal has no legal source water, it would draw groundwater from an overdrafted groundwater basin not under the ocean.

The Pure Water Monterey Expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. It is contractually secure and drought proof.

Cal Am has had 25 years to solve our water supply problem. Our public agencies have solved it in the last 6 years. Now all the water we need for decades is available, but Cal Am is blocking it.

Respectfully submitted,
Carol Jones
Monterey

CalAM Desal proposal

Soham Adair <adair.john1@gmail.com>

Thu 9/10/2020 10:53 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

We do not need desal.

The expansion of Pure Water Monterey will provide a long term environment friendly solution for decades of growth. It will support growth in affordable housing and economic recovery.

Orange County has relied on this pure water system for many years.

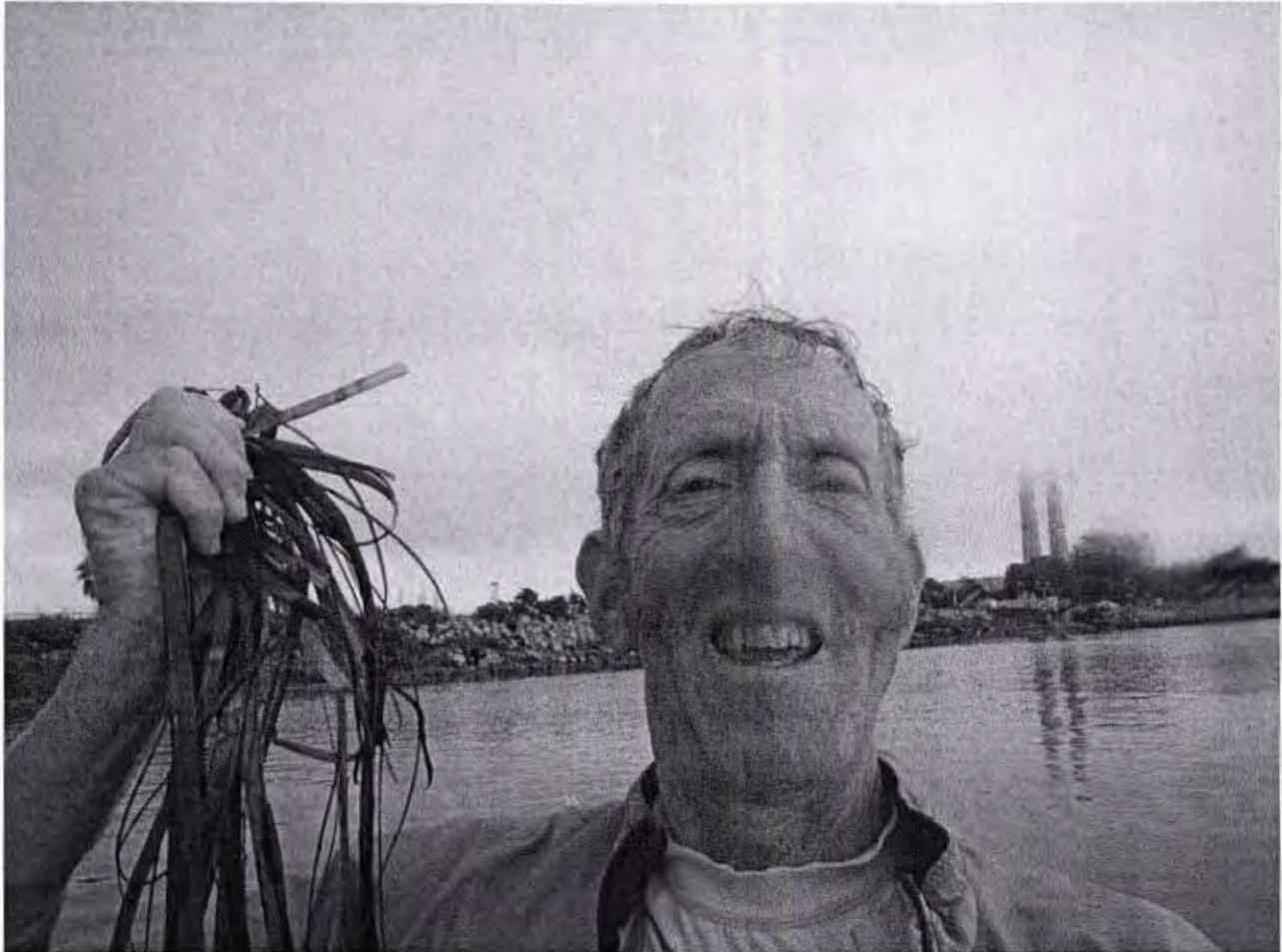
In appreciation for your service,
John C.Adair, M.D.

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Joel Leker <jmleker@gmail.com>**

Thu 9/10/2020 10:24 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



I have lived in Marina for 25 years and love it here. I work as a kayak tour guide in the outdoor recreation industry. We serve the many visitors that come to the peninsula to enjoy our beaches and beautiful coastline. I can't believe that the best use for the soon-to-close CEMEX site is being co-opted for industrial use after so many worked to close this coastline damaging sand-mining plant.

As I understand it there were agreements made for future coastal access and recreation for all between CEMEX, the Coastal Commission and the City of Marina. It is inconceivable that 7 industrial pumps, sited in the dunes on several 5,000 square foot concrete pads with service roads, lights and chain link fences will have little impact on the animals, plants and our collective access to the beach.

I enjoy walking Marina Beach but it is disheartening to think that a private company can reach outside of its own service area to steal our beach all because it wants to make a gross profit on its captive peninsula rate-payers. CalAm won't even support expanding the water recycling project that is now providing enough water for CalAm to stop taking water from the Carmel River. This greed must be stopped.

I hope to take my grand children down to the beach to see the snowy plovers and other wonderful wildlife (like the dolphins and whales) and tell them - that a lot of people fought for this beach so that we could be here today. Thank you and deny this project. It makes no sense to locate such a facility here.

Please deny this harmful project. Thank you

Joel Leker
Marina resident

Deny Cal Am's Desal Project

bdmoore100@aol.com <bdmoore100@aol.com>

Thu 9/10/2020 10:21 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commission Members and Staff:

I am a homeowner in Monterey, and Cal Am provides my water. I strongly oppose its proposed desal plant. For many reasons, only some of which I will include here, I urge you to deny Cal Am's permit request. Your staff has prepared an excellent report, and its recommendation to deny the permit is well-founded.

Cal Am's desal project is not needed, is far too expensive, and will harm our coastal environment. Several reputable studies show the expansion of Pure Water Monterey will provide a sustainable water supply to meet the reasonable needs of the Monterey Peninsula for decades--and at about 1/6 the cost of Cal Am's proposed project. Cal Am clearly knows this and has refused to enter into a contract to buy this water because Cal Am has no incentive to keep costs down. It passes everything on to we ratepayers.

Although it is clearly not true, Cal Am argues its desal plant is the only way to resolve the cease and desist orders facing Cal Am for taking water from the Carmel River and the Seaside Basin that it should not have taken. By December of 2021, Pure Water Monterey will provide enough water so that Cal Am will not need to take excess water from the Carmel River and Seaside Basin. All Cal Am needs to do is to agree to purchase the water.

Cal Am's pretense that it cares about conservation and affordable housing is ludicrous. Its conduct shows it does not care about either, and neither does it care about its residential customers. When we ratepayers heeded calls from then Governor Brown to conserve water, Cal Am's response was to increase our bills so it wouldn't lose money because we had used less water. Its claims are the height of hypocrisy.

Please do not saddle Monterey Peninsula rate payers with a desal plant that is not needed and will double our water bills. We already pay the highest costs for water in the country. Please vote against Cal Am's request.

Sincerely,

Barbara Moore

Deny cal am desal Project

kate de la Fuente <8540tssf@gmail.com>

Thu 9/10/2020 9:45 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please deny the pending cal am desal Project as detrimental to the environment and very expensive.

Thanks, Kate de la fuente, Monterey

Public Water Now Letter Opposing Cal Am Desal

MWChrislock <mwchrislock@redshift.com>

Thu 9/10/2020 9:39 PM

To: Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>; Steve Padilla <tcruz@chulavistaca.gov>; Bochco, Dayna@Coastal <dayna.bochco@coastal.ca.gov>; Dayna Bochco <Phillip.arnold@bochcomedia.com>; Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>; Hart, Caryl@Coastal <caryl.hart@coastal.ca.gov>; Aminzadeh, Sara@Coastal <sara.aminzadeh@coastal.ca.gov>; Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>; Escalante, Linda@Coastal <linda.escalante@coastal.ca.gov>; Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>; Mike Wilson <mike.wilson@co.humboldt.ca.us>; Groom, Carole@Coastal <carole.groom@coastal.ca.gov>; Gina Quiney <gquiney@smcgov.org>; Rice, Katie@Coastal <katie.rice@coastal.ca.gov>; Katie Rice <krice@marincounty.org>; Howell, Erik@Coastal <erik.howell@coastal.ca.gov>; Erik Howell <erik@erikhowell.com>; Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>; Roberto Uranga <Celina.Luna@longbeach.gov>; Gold, Mark@CNRA <Mark.Gold@resources.ca.gov>

Cc: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>; Dettmer, Alison@Coastal <Alison.Dettmer@coastal.ca.gov>; Staben, Jeff@Coastal <Jeff.Staben@coastal.ca.gov>

📎 3 attachments (488 KB)

PWN Letter to CCC_9.10.20.pdf; PWN - PWM X vs Desal_9.1.20.pdf; PWM Chart.jpg;

Per Ex-Parte regulations the attached Public Water Now letter, September 10, 2020, has been sent to California Coastal Commissioners today.

Since we will not be able to meet with some of you. We hope the attached letter and information will help you understand the situation our community faces and why we oppose Cal Am desal project.

Public Water Now is a Monterey Peninsula organization of over 4,000 members. Our mission is an affordable, sustainable water supply for the Monterey Peninsula.

Thank you,

Melodie Chrislock

Managing Director

PUBLIC WATER NOW

<http://www.publicwaternow.org>

[mwchrislock@redshift.com]mwchrislock@redshift.com

831 624-2282



September 10, 2020

California Coastal Commission
45 Fremont Street, Suite 2000 San Francisco, CA 94105
Via Email

RE: Application No. 9-19-0918 and Appeal No. A-3-MRA-19-0034 (Cal Am CDP)

Chair Padilla and Commissioners,

Public Water Now supports your staff's recommendation. Please deny Cal Am's Desal permit. It is quite clear that this Project is not in the public interest. The alternative Pure Water Monterey Expansion is a project of our wastewater district – Monterey One Water. It is a state of the art groundwater replenishment project that will improve our environment by recycling more of the wastewater that flows into the Monterey Bay.

Does the Monterey Peninsula need this desal plant?

The Supply and Demand Report produced by the Monterey Peninsula Water Management District (MPWMD) is accurate and current. It can be accessed here: <https://www.mpwmd.net/wp-content/uploads/Supply-and-Demand-Analysis-Adopted-5-18-20.pdf>

The report looks at the history of water use and has shown that the 2,250 AF from the PWM Expansion will provide water for decades of growth. But Cal Am continues to argue against this using the outdated demand numbers in its EIR and claiming that its oversized desal Project is the only solution.

It's important to understand motive here. Cal Am is an investor-owned utility, and it earns a 9.2% return on its capital investments. It does not earn profit on water. For example, in the first year alone, it would earn over \$9 million on this desal plant for its investors. Over 30 years, its estimated profit would be \$123 million. In comparison, it earns nothing by selling the water from Pure Water Monterey or its Expansion.

Cal Am is notorious for its disinformation campaigns. We experienced this in our community's successful fight to pass Measure J, which requires MPWMD to buyout Cal Am's Monterey Peninsula system.

This time Cal Am's disinformation campaign focuses on discrediting the Pure Water Monterey Expansion. Its claim that the Expansion cannot provide enough water is false. MPWMD's supply and demand report, and two other reports from authorities on water management, have all shown that it will provide more than enough water for decades of growth.

Cal Am claims this water is not drought-proof, but the State considers recycled water to be a drought-proof source since wastewater is not impacted by drought. Note that conservation does affect wastewater and that Pure Water Monterey was designed with the Peninsula's radical conservation (57 gallons per person per day) already in place.

Cal Am claims that Monterey One does not have legal rights to the Expansion's source water. This is false. Attached is a chart showing Monterey One's rights to the source water for the PWM Expansion. It's ironic to note that it's Cal Am that has no legal source water for its desal project.

Your staff has seen through all these false claims in its report. But Cal Am and its supporters continue in their lie repeated a thousand times campaign.

Is Cal Am's desal needed to stop illegal withdrawals from the Carmel River?

For 25 years Cal Am has been overdrafting the Carmel River. It has failed to solve this problem. Over the past six years, our public water agencies, Monterey One Water and the Monterey Peninsula Water Management District have solved the problem with a new water supply from Pure Water Monterey. Through these public agencies' efforts in bringing Pure Water Monterey online and the conservation efforts of our community, we will meet the State's Cease and Desist Order (CDO) on the Carmel River by December 2021 without Cal Am's desal.

From Cal Am's records, its current 5-year average withdrawal from the Carmel River is 6,314 AF. Its legal withdrawal is 3,376 AF. The new 3,500 AF from Pure Water Monterey that Cal Am can now draw on will allow it to meet the CDO deadline with a surplus.

MPWMD was created to find a new water supply, and in the past 20 years, it has given us 7,300 AF of new water. It is a highly competent agency. It would be reasonable to have far more confidence in MPWMD, who has developed new water supplies over the past 20 years, than in Cal Am who has developed none.

For decades MPWMD's responsibility has been to monitor and restore the Carmel River and to oversee conservation. No other agency is in a better position to report on the State of the Carmel River. In August, Secretary Blumenfeld gave you an accurate history of the Carmel River CDO, but he did not update you on the progress or the fact that a new water supply is not needed to stop the illegal withdrawals from the Carmel River.

The credit for solving this long-standing problem goes to Monterey One Water and the Monterey Peninsula Water Management District, not to Cal Am.

The politics of our County, like our Country, are divided. Three members of our Board of Supervisors represent Salinas Valley Agricultural interests and often vote against the Peninsula's interests. This has certainly been the case with Cal Am's desal project. It's the reason for the split vote on the Monterey One Water Board. Half are in support and

half against expanding their own successful Pure Water Monterey project because the Expansion would make Cal Am's desal unnecessary.

Why do Salinas Valley agricultural interests want a desal plant on the Monterey Peninsula?

This is where Castroville comes into the picture. Cal Am has literally bribed half of the Monterey One Board with the promise of almost free desalinated water for Castroville. Cal Am's return water agreement gives Castroville 700 AF of very expensive desalinated water for \$110 per AF. But it forces Cal Am's Peninsula customers to subsidize this water at the cost of \$6000 to \$8000 per AF. No one asked the Peninsula if they were willing to pay millions of dollars a year to subsidize Castroville's water on top of their already outrageous water costs.

Our community does not need this desal plant, and we can't afford it. This would add \$1.2 billion to our water costs over the next 30 years. The Pure Water Monterey Expansion would cost \$190 million and meet our water demand for decades.

Environmentally, we can't afford this either. We are a coastal community. The threat of global warming is very real to us. Cal Am's Project would be the largest GHG emitter in our region, emitting 8,000 MT of CO2 annually. The Pure Water Monterey Expansion would emit only 34 MT of CO2 annually because it is powered almost entirely by biogas from the nearby landfill. Cal Am's desal would also damage Marina's coastal dunes, threaten its groundwater and perpetuate environmental injustice.

Cal Am's desal project is not the right solution for the Peninsula. Please vote as if you live here and deny Cal Am's Coastal Development Permit.

Respectfully,

PUBLIC WATER NOW

Board of Directors

Melodie Chrislock

Doug Wilhelm

Mibs McCarthy

Myrleen Fisher

Susan Schiavone

Timothy Sanders

Zan Henson

Larry Parrish

Harvey Billig

Judi Lehman

Comparison of Pure Water Monterey Expansion & Cal Am Desal

COST & DEMAND ISSUES

PURE WATER MONTEREY EXPANSION	CAL AM DESAL
Current annual demand for Monterey Peninsula: 5-Year average is 9,825 AFY.	
Adds 2,250 acre-feet per year (AFY) to water supply. Total available water supply 11,700 AFY.	Adds 6,252 acre-feet per year (AFY) to water supply. Total available water supply 15,702 AFY.
Estimated cost per acre-foot \$2,700.	Cost per acre-foot is \$6,094 (at 86% capacity). If capacity drops, cost rises \$7,300-\$8,300 per AF.
Cost with O&M over 30 years is \$190 million. Lower cost from non-profit public agency.	Cost with O&M over 30 years is \$1.2 Billion. Substantially raises ratepayer costs.
Produces enough water for 30 years of growth. Historic demand for new development is 16.4 AFY.	Oversized for current need of 9,825 AFY (5 yr. avg.) Exaggerates future demand.
Meets peak demand.	Meets peak demand.
	Cost of replacing fresh water drawn from Salinas Valley Groundwater Basin to meet Agency Act.

ENVIRONMENTAL ISSUES

PURE WATER MONTEREY EXPANSION	CAL AM DESAL
Expands existing approved project. No coastal impact.	Destroys 7 acres of coastal dunes and habitat. New construction in coastal and inland areas.
Energy consumption is 23,000 megawatt hours per year. (45 MWh - PG&E / remainder from landfill biogas.)	Energy consumption is 52,000 megawatt hours per year (PG&E).
Produces 34 metric tons of CO2 per year.	Produces 8,000 metric tons of CO2 per year.
Protects against seawater intrusion.	Project must create seawater intrusion to work.
Captures and purifies existing wastewater for indirect potable use and stores it in Seaside Groundwater Basin. Improves water quality in Basin. Provides drought reserve. Reduces current discharge to Bay.	Draws 17,300 AFY of groundwater from Salinas Valley Groundwater Basin with experimental slant wells. Adds brine discharge to Bay.

LEGAL & POLICY ISSUES

PURE WATER MONTEREY EXPANSION	CAL AM DESAL™
No issues with water rights.	Cal Am has no water rights to the groundwater it wants to use. It cannot meet the criteria laid out by the SWRCB to gain appropriate water rights.
CPUC has approved the Pure Water Monterey project for 3,500 AFY. CPUC did not complete its review of the PWM Expansion and has never considered it as a feasible alternative.	CPUC has approved the desal, subject to the independent judgment of other key permitting agencies (CCC and Central Coast RWQCB). New information was not included in original EIR that was approved.
Same permitting as approved PWM project for 3,500 AFY. No surprises.	Permitting faces obstacles and litigation over groundwater. No slant wells in use for desal anywhere in the world.
No litigation.	Current litigation expected to continue. High risk of litigation delay.
Consistent with SWRCB Dec.12, 2018 notice emphasizing recycling of water as preferred policy.	SWRCB policy requires that feasibility of slant wells must be determined before proceeding.
	Needs Marina Coast Water District pipeline (not available)

COASTAL ZONE ISSUES

PURE WATER MONTEREY EXPANSION	CAL AM DESAL
Best environmental alternative in the public interest.	Not in the public interest.
No coastal impact.	Violates LCP. 7 slant wells, transmission pipelines, construction disturbances. Western Snowy Plover nesting area. Destroys ESHA.
Existing wastewater is purified and recycled for indirect potable use. Reduces discharge to Bay.	Adds new brine discharge to Marine Sanctuary (8 million gallons per day). Potential Dead Zone.
Protects against seawater intrusion.	Induces seawater intrusion into groundwater basin.
No Environmental Justice issues.	Inflicts Environmental Injustice on Marina.

OTHER ISSUES

PURE WATER MONTEREY EXPANSION	CAL AM DESAL
Lifts CDO and moratorium sooner than desal. Project can be completed in 20 months.	May take years to lift CDO and moratorium due to litigation or permit delays.
Needs Water Purchase Agreement from Cal Am.	More profitable for Cal Am. \$123 million profit (30 yrs.)
Cooperative public partnership serves agriculture and urban needs.	Threatens Marina's water supplies to meet the Peninsula's needs.



Monterey One Water
Providing Cooperative Water Solutions

Source Water for Pure Water Monterey and PWM Expansion – 2018

The 9-year average (2010 – 2019) for Ocean Discharge (excess wastewater) is 7,634 acre-feet

This chart reflects the wastewater sources to which Monterey One Water has contractual rights. It is the worst case scenario and does not include roughly 2,000 acre-feet of agricultural wash water which is not being utilized in the Base PWM project or the proposed expanded PWM project.

	OCEAN DISCHARGE	RECLAMATION DITCH	BLANCO DRAIN	OUTSIDE BOUNDARIES	RIGHTS FROM ARWRA	TOTAL
TOTAL RIGHTS	6,294	1,014	2,620	1,363	308	11,599 AFY
PWM BASE	2,865	578	1,419	204	---	5,066 AFY
REMAINING WATER	3,429	436	1,201	1,159	308	6,533 AFY

Available for Potential PWM Expansion and/or CSIP Annexation 

	OCEAN DISCHARGE	RECLAMATION DITCH	BLANCO DRAIN	OUTSIDE BOUNDARIES	RIGHTS FROM ARWRA	TOTAL
H2O AFTER BASE	3,429	436	1,201	1,462	308	6,836 AFY
PWM EXP.	1,670	135	312	936	33	3,086 AFY
REMAINING WATER	1,759	301	889	526	275	3,750 AFY

Add'l Available for Potential CSIP Annexation 

Cal-Am Project

Kris Lindstrom <krislindstrom@gmail.com>

Thu 9/10/2020 9:29 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I urge you to deny Cal Am permission to build its desalination plant in Marina. There are far less environmentally destructive projects that will be far more economical. I am a former elected member of the Monterey Peninsula Water Management District and worked on the largest water recycling project in the United States (Orange County) before I retired. I have followed the alternatives for years and find the Cal-Am project to be unacceptable. Please vote to deny this project.

Kris Lindstrom
Pacific Grove, CA

Support for CCC Staff Report

George Riley <georgetriley@gmail.com>

Thu 9/10/2020 9:24 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cal Am's desal is not ready for prime time.

As much as state, through policy and encouragement, wants a successful slant well desal, this is not the right one. It has an excessive degree of shortcomings, risks, and negative impacts to be approved. And it is not needed by the community Cal Am serves.

Cal Am has deficiencies that are astounding for a large asset-rich corporation. Its slant well data are not conclusive. Its engineering leaves gaps in analysis. Cal Am has changed its demand data.

It has tried to serve a low income community outside its service area - Castroville - at an even greater expense on an even greater number of low income in its own service area.

Cal Am's competence is questionable. It's simply not ready for prime time.

If you like desal, wait a few years. The US Dept of Energy has recognized the need for more research on desal technology and engineering. In late 2018, the DOE approved a \$100,000,000 grant for this purpose. The lead agency for this national research grant is Berkeley Livermore Labs. Reports are due in 2025 and 2030.

Wait a few years before you entertain any new ocean desal proposals. Everyone would benefit from new research – the industry, policy and regulatory agencies like this Commission, as well as customers, communities with water needs and providers.

Desal continues to be the supply of last resort. We are not there, since we have an alternative.

One needs to deny reality if one accepts Cal Am's desal and its gargantuan cost, its enormous environmental footprint, the risky legal uncertainties, and using other people's money (ratepayers) to carry this burden.

Please deny the CDP for Cal Am.

George T. Riley

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

Nancy Fortman <nforts@yahoo.com>

Thu 9/10/2020 9:13 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

From: Johanna Pooler

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is Johanna Pooler: I am a resident of Marina for 54 years. I am from Germany where I met my husband, an American soldier and consequently, have lived in many areas of this country. We decided to settle in Marina where we raised our son. I am against a big company like CalAm coming into our small, economically diverse town of Marina, to build slant wells and a recycling plant. Our water has been of good quality and I do not want them to jeopardize it by the possibility of salt water intrusion. I also fear that they will eventually take over our small water district and charge us unaffordable water rates.

Please deny this harmful project.

Signed,

Johanna Pooler

URGENT! please DENY the CalAm Desalinization Plant

Rosemary Wells <rosemaryw@vlastudio.com>

Thu 9/10/2020 9:11 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

I have been a resident of Pacific Grove for the past seventeen years. I am a landscape architect, member of the PG Architectural Review board, and former member and chair (in an earlier residence) of the Mountain View Environmental Planning Commission.

I have followed the debate concerning the future of the Carmel River with great interest and concern. I am writing today to voice my support for the CCC staff's recommendations.

Water for the Monterey Peninsula is too important to be left to the vagaries of the utility market. Please **DENY** CalAm's Desalinization project. It *will not*, ultimately, solve our problems: it will cause environmental harm through a rise in salt in coastal waters, it dis-enfranchises the Marina community, and, down the road, leaves the community without agency or options twenty years from now.

Sincerely,
Rosemary Wells

CalAm Desal Project Proposal

Charlotte Otto <charotto2@gmail.com>

Thu 9/10/2020 8:32 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

As a homeowner in East Garrison serviced by Marina Water, I object to the subject proposal by CalAm on the following grounds:

1. My drinking water comes from Marina's groundwater basin.
2. The project would take up to 15 million gallons of water per day from Marina's overdrafted groundwater basin to supply CalAm's Monterey Peninsula customers but would supply none to Marina.
3. Stanford University and other studies show that CalAm's desal project may deplete or contaminate Marina's groundwater.
4. If the groundwater is contaminated, Marina may be forced to purchase water from CalAm at the highest water costs in the Nation.
5. The desal project threatens Marina's beautiful coastal dunes, wildlife habitat, and planned beachfront recreation area.

I respectfully request the Coastal Commission consider all of these reasons and reject the proposed project.

Sincerely,
Charlotte Robinson
18563 McClellan Cir.
East Garrison, CA 93933

CalAm's Desal Permit Request

John Ponta <johnscoms@aol.com>

Thu 9/10/2020 8:12 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Greetings,

This is just a quick note to express my opposition to the desalination permit requested by CalAm water company.

Frankly, my wife and I are fairly new homeowners in Marina. When we moved to Monterey County we were quite surprised to learn that most of our friends in neighboring communities buy their water from CalAm - a private company; and I have not spoken to anyone that is happy about it. On the contrary, those folks invariably tell us how lucky we are to live in Marina which has it's own municipal water source.

Moreover, as a matter of policy, I am opposed to private companies providing utilities, including water, to households. Look at PG & E verses SMUD - I'll take SMUD any day. I have lived and worked all over California, and to my knowledge, have never lived in a place where the drinking water is provided by a for-profit company. The fact that CalAm's customers pay more than just about anyone else in the country speaks for itself.

I empathize with CalAm's customers but it is flat-out wrong to ameliorate their problems by taking our water and constructing some new facility on our beautiful shoreline.

John Ponta, MA

Licensed Private Investigator
Special Agent, California Dept of Justice (Ret)
Lieutenant, USNR (Ret)

Marina, CA

September 10, 2020

Chairman Steve Padilla & Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, California 94105.

In re: Cal Am Monterey Coastal Permit

Dear Chair Padilla and Commissioners:

Please deny the California American Coastal Permit. Please do not sacrifice my community, Seaside, and the City of Marina for this ill-conceived, environmentally damaging, extremely costly project which is no longer necessary. Should this project be approved, leave no doubt in your minds that it will cause severe hardship for ratepayers, especially those who are lower income and unnecessary severe environmental damage.

My letter addresses three issues: The egregious **environmental justice** issues in this permit presents, **the health of Carmel River and steelhead trout**; and the availability of a **viable alternative project** with no coastal footprint.

First: Environmental Justice: If the Coastal Commission really means to fulfill its policy enactment for environmental justice, this project *must* be denied.

As succinctly analyzed by your staff, the industrial/environmental burden for this project would be borne by the small diverse disadvantaged community of Marina which already has at least 4 industrial facilities located there, as well as an EPA superfund site from past Army activity. There is no question of the egregious harm that would be done to its sensitive snowy plover and finally secured coastal area from the CEMEX sand mining interests, only to have it turned into yet another industrial plant. Most insulting in this corporate colonization would be the fact that it will harm Marina's groundwater supply, which it depends upon for drinking water, and they would get no benefit and would lose much. The California Coast which you are dedicated to protecting would be harmed severely. What then? Would Cal Am then pressure Marina to accept its own water as a customer after aquifer depletion and saltwater intrusion?

As a resident of Seaside, which has a 43% disadvantaged population, water costs are already burdensome. **In Cal Am's June response letter to the commission, on page 92, they assert that the usage for the average residential monthly water bill is about \$78 (or \$936 annually) for a family of three.**

This directly contradicts Cal Am's own rate announcement in 2019 which launched the latest rate increase from their approved CPUC rate request **where they estimated the average residential bill to start being \$90.78 in May 2019** as shown in the copied text below sent to customers by email. (I was unable to find it again on their website and have a copy on my desktop from their site. It may have been taken down.)

What will be the average rate impact due to these changes?

The average, monthly total bills are estimated to be as follows:

	Consumption	
	100 gallon units (CGL)	New Rates
Single Family	38	\$93.07
Multi-Family	24	\$67.38
Low Income	38	\$72.64
Non-Residential*	50	\$183.59

*Assume Division 1 customer

When will these changes go into effect?

The new rates will be reflected in customers' May 2019 bills.

On page 94 of Cal Am's June letter, in response to Commissioner Groom's question, Cal Am provides a chart of the water charges. The chart does not include meter charges, or the WRAM surcharges that will be included, along with other fees that customers pay. (See LIRA below). While the CPUC approved a motion to end the surcharge, this will not be effective until AFTER the current rate case which will again raise our rates at least another 17% along with additional surcharges before it takes effect, thus the rate floor for this desal project will be even higher.

I recently asked several Seaside neighbors (9 people) about their bill. For those who live alone it has been averaging about \$60, for those with two people it is \$100 or above. These are all senior citizens. It is not easy to stay in tier 1. I can also attest to this rate hike as my average bill has been \$90 in the spring and now in the summer has reached \$143 for two people and two dogs. My husband and I are seniors on a fixed income, we conserve indoor use with less flushing, less showers, buckets for any excess water, and collect rain water in multiple barrels as well.

Seaside has a per capita income of \$24,726. Per capita income serves as a measurement of the stability and wealth within a particular region. With a poverty rate of 14.9%, nearly 5,000 Seaside residents live below the federal poverty level, 11% higher than statewide. We have a 43% low income population. We pay the same high 4-tiered rates as high-income residents. In contrast, the hospitality industry pays a fixed tier-two rate for all water which they were gifted when they agreed to support the Cal Am desal project in 2012. **Therefore, Seaside Cal Am ratepayers bear a much higher cost per income level for water, subsidize the hospitality industry lower rates, and bear disruptions for infrastructure construction for pipelines, road stress from construction vehicles, and emissions. Now Cal Am wants us to subsidize Castroville as well.** Given the ensuing economic downturn, this situation will only worsen. Seaside unemployment shot up to 19.4% in April.

If this project is approved, many poor and lower middle-income residents may have to make the painful choice as to whether they can live like this or what they cannot purchase, including seniors who are 10.5% of the population. This will result in less expendable income for necessities, hardships of relocation, denial of access to coastal living and increased income inequality. This will also likely result in extreme water conserving with possible ill health effects. People need water to live and it must be affordable for all, not just the wealthy or businesses who can write off expenses.

LIRA: Staff also pointed out the Cal Am low income assistance program, LIRA, has many **obstacles for someone to actually qualify:** The bill must be in your name, you must have the meter in your name, you must qualify for the low income amount which is much lower than other programs; forcing many renters, mobile home owners and those who are in income distress but do not qualify, to be excluded.

We pay for LIRA! According to the staff report, 6% of Cal Am's customers actually get LIRA help, 18% in Seaside. The Commission should be aware that the LIRA program itself is "partially" funded by a monthly fee of \$1.81 on ALL customer bills, including lower income customers.

While this is a small amount, multiplied by the customer base of 33,312 (not counting Carmel Valley) that comes to \$60,294.72 per month, or \$723,336.64 per year collected. If 6% of its customers are receiving benefits at 30% of \$90/month average 1,998 customers for about \$30 a month, then \$59,940 or \$719,280 per year is given out. **This means that the customers are NOT partially funding this program but entirely funding this program as it stands (not counting customers paying this fee in Carmel Valley!)**

As a final assault on my community, Cal Am is attempting to force ratepayers on the peninsula to subsidize water for Castroville at 8% of the cost they will have to pay if this project is approved. Castroville residents currently pay about \$20 per month for water and would continue to do so under this project, receiving desalinated potable water at \$580 AF, and possibly more for the CSIP project at \$110 AF, while Seaside residents may face minimum rates of \$180+ a month at \$6-8,000 AF (if the groundwater return rates increases, as staff predicts, costs will rise). **This is an absolutely unjust proposal and unfairly puts the burden of the project on lower income residents in the Cal Am district, especially in the city of Seaside which has a higher proportion of lower income residents and senior citizens on fixed incomes.** This is an existential threat that may price out many low-income people from the ability to live here. This project will severely and unfairly impact lower income peninsula ratepayers who should not be used as exploited subsidy sources to legitimize illegally taken water for the project.

Second: Carmel River and the Carmel River Steelhead Trout: The environmental issues facing the Carmel River are being resolved without Cal Am's desal project. Numerous efforts are being made to make this very goal achievable and some of those intermediate goals are being met. This includes the removal of the San Clement dam (paid for by ratepayers), several programs and agencies which have donated and purchased surrounding lands to rewild them for optimum river health and the fish, volunteer efforts are

done and an ongoing rescue and release, as well as annual counts and monitoring by the Monterey Peninsula Water Management District.

This is no secret for the agencies involved. It seems those who are presenting another reality are mistake. For example, In **May 2019, TROUT Magazine**, reported an important land deal that was made to benefit Carmel River Steelhead (Sam Davidson, May 7, 2019)

*“Trout Unlimited has worked since 2006 to advance steelhead recovery in this priority watershed. **Over the past year, this work has helped produce two major outcomes that will help Carmel River steelhead.***

*First, a long campaign to remove the lower of two dams on the Carmel—the century-old San Clemente Dam, at risk of catastrophic failure in a major earthquake—came to fruition **as the San Clemente Dam Removal and River Re-route project was completed in** the fall of 2015. (note: paid for by Cal Am Ratepayers)*

*This **project re-opened some 25 miles of historic spawning and rearing habitat** to steelhead. This winter, scientists observed dozens of steelhead redds in the new habitat.*

*...an opportunistic partnership involving the Trust for Public Land, Monterey Peninsula Regional Parks District, Santa Lucia Conservancy and the Steinbeck Country Chapter of Trout Unlimited has led to a remarkable land deal which will **convert 140 acres of a golf course to park land and re-dedicate some 300 acre-feet of water back to the lower river.***

The conservation partners announced the deal yesterday after a lengthy series of complicated negotiations with multiple landowners and the local water utility, California American Water Company...”

The **Carmel River Watershed Conservancy** has spoken for the desal related to the steelhead. It should be noted that **Catherine Stedman, Cal Am Manager of External Affairs**, sits on the board of directors as well as **Paul Bruno**, an outspoken pro-Cal Am professional contractor with pipe installation contracts for Cal Am who stands to profit from the desal project.

Please note that in the organization’s **2020 newsletter** they state this optimistic report. <https://www.carmelriverwatershed.org/latest-news-->

Fish Rescue at Finch Creek Ranch, 2019

*“This year 129 steelhead trout made it back from the ocean into the River and 126 made it over the Los Padres Dam. **This is a dramatic increase over 2018 and a good sign for both the species and the health of the river.** Just two years ago, only 29 steelhead made it over the Los Padres Dam. Steelhead are a hardy*

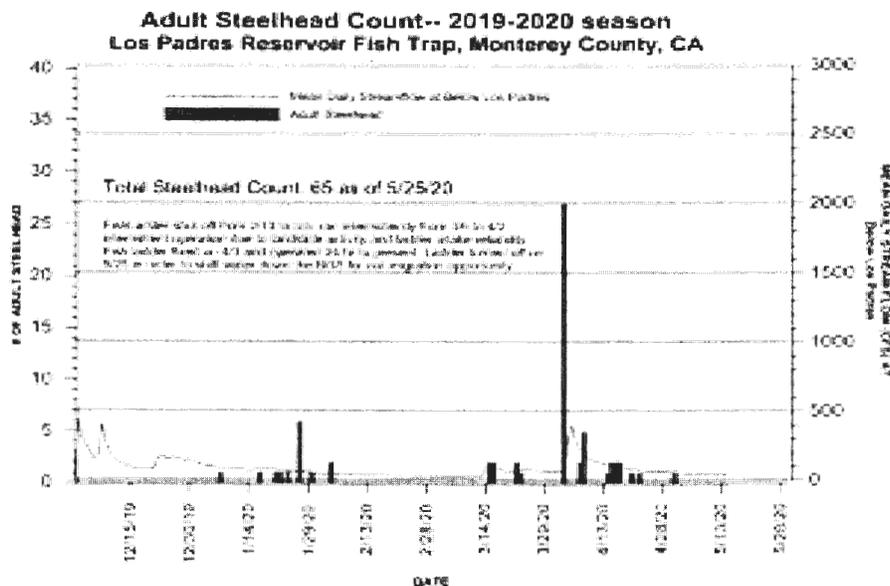
species, and with a little help from the CRWC, the Carmel River Steelhead Association and other local conservation groups, **they are making a comeback.**

This year we also had more than 18,000 trout rescued. 58 people assisted with rescues during the season, many of which were new volunteers... The return of steelhead indicates a significant ecological impact. Returning steelhead are a sign that water quality and riverbed quality are good enough to house both spawning fish and juveniles. This development signifies a positive shift in the overall health of the river. As Brian LeNeve (Carmel Steelhead Assn) says, "We've turned a river around from one of the 10 most threatened in California to one with hope."

Every organization likes to take the credit for good outcome, and rightly so. They often shine a brighter light on their organization and partners, but may forget the local public or government agencies that have also contributed to the efforts.

In this case, it is very important to see what part the local Monterey Peninsula Water Management District has done to augment and assist in this effort at river restoration. Here is the fish count in early 2020 at the Los Padres Dam. This shows a definite increase, and the effect of the drought on the river must be factored into the equation.

See <https://www.mpwmd.net/environmental-stewardship/carmel-river-steelhead-resources/los-padres-dam-fish-counts/current-year/>



Monterey Peninsula Water Management District in partnership with Cal Am operates a Carmel River restoration and management program, including repair work that will enhance the areas suitable for trout. This is a long program dating back to the 1990s. They perform fish counts at Los Padres dam. They also rescue young fish, help rear and release them, as well as work

on habitat restoration. Their website notes that this year the trout 'superhighway' was in full swing with the abundant rainfall we received.

They are currently working on new ways to count the fish more accurately since the **invasion of striped bass into the river and effects of the drought** has also complicated this recovery process but progress IS being made and the alternative project Pure Water Monterey, if expanded, can meet all requirements for the SWRCB.

Third: There is an environmentally superior and sustainable alternative that has NO coastal footprint. There is a completely viable alternative in the Pure Water Monterey recycled water project, a cooperative project with Monterey One, the Monterey Water Management District, and Cal Am, if expanded.

Pure Water Monterey, now in phase one operation, will give us the additional water we need to stop illegal diversions from the Carmel River by the December 2021 deadline. And it would lift the moratorium much sooner than Cal Am's desal.

After December 2021, only 3,376 acre-feet (AF) of water can be legally taken from the river. But because of the 3,500 AF of new water available from Pure Water Monterey, we can meet that deadline with a surplus. **This will stop the illegal withdrawals and protect the River.** But to meet the requirements of the Cease and Desist Order (CDO) and the CPUC imposed moratorium, we would need the additional water supply of the **expansion of Pure Water Monterey**. With expansion, we will have sufficient water to lift the moratorium and address low income housing needs.

The supply and demand report from the MPWMD has been professionally certified by three separate nationally recognized water use hydrologist consulting firms, and Cal Am used the lower usage amount (9,825) in its latest CPUC rate case. The desal plant is not needed to meet this supply and demand. The impact of project approval, however, would be even higher rates if the desal plant proves to be under used and therefore the price per AF will become even higher than the current \$6000-8,000. Cal Am hired one firm to echo its opinion related to higher supply numbers in the original EIR. With less demand than projected, the expanded PWM will give us enough water for a minimum of 20 to 30 years--enough time to allow further analysis of the effects of desal on ocean health and better technologies to ensure better environmental outcomes with desal options.

The Marina Coast Water District (MCWD) received a report in July 2020 from water management expert Peter Mayer of WaterDM, confirming that with careful management, Cal Am can comply with the SWRCB CDO and reduce Carmel River diversions as required by 2022 **without additional supply sources**. The report further concluded that in the near term, Cal Am can build up its storage reserves in the Seaside Basin increasing the amount of banked water. The report also found use of proven demand management tools, such as a water budget and adjusted irrigation schedules, will allow better management of peaks in demand. (as reported in Cedar Street Times, 7/10/20, p. 3, and MCWD www.mcwd.org)

Expanding Pure Water Monterey would provide adequate water needed for growth. If the Pure Water Monterey Expansion of 2,250 AF were added to the current 3,500 AF from

Pure Water Monterey (Phase 1), along with legal River withdrawal of 3,376 AF and other ASR sources, the total available would be 11,700 AF. We only use 9,825 AF annually. That would lift the CDO and provide 1,875 AF of surplus water for growth.

PWM Expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. Another plus for this project. It is contractually secure and drought proof. And the plant is sustainably run with a low carbon footprint, and will be utilizing methane gas from the waste facility for fuel.

Cal Am's Desal project has no legal source water and will primarily illegally pump groundwater, damage Marina's water supply, destroy vernal pond environments and coastal habitat, and produce a large amount of carbon emissions and outflow, among so many other problems.

Commissioners, please see this project in the light of the latest information which has been provided at great cost to local communities who fully realize the damage and environmental and economic injustice that would occur should it be approved. Please deny this project.

Sincerely,

Susan L. Schiavone
Seaside, California

Deny Cal Am's Desalinization Project

Tony Vastola <tvastola@gmail.com>

Thu 9/10/2020 7:42 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

I am a 17 year resident of Pacific Grove and a member of various local conservation groups: Big Sur Land Trust, Elkhorn Slough Foundation, and the Carmel River Steelhead Association. Over the past 6 months I have tried to educate myself on this complicated issue - what is the best solution to the Monterey Peninsula's water supply problems, including how to end the overdraft of the Carmel River.

After researching the various aspects of this issue and reading the arguments on both sides I have come to the conclusion that the CalAm proposed Desalinization Plant is not the correct solution and that the Pure Water Monterey (PWM) projects (phase 1 and the expansion), as compared to the desal project:

- can provide more than adequate water for Monterey Peninsula for at least the next 20-30 years
- will end the over drafting of the Carmel River long before the desal plan can come on line
- are much less expensive - both in capital and operating costs
- will release far less green house gases
- will have less negative impacts on the local environment
- have less technical and legal/permitting/approval risks
- do not take advantage of Marina and jeopardize their water supply

I believe that the California Coastal Commission's (CCC) staff report of Aug 25, 2020 thoroughly covers the environmental, economic, supply vs demand, and social justice issues. The CCC staff's conclusions are excellently summarized in the last paragraph of page 3 of the report:

'Staff believes, after weighing the evidence in the record at this time, that the Pure Water Expansion is a feasible alternative to Cal-Am's Project, will allow Cal-Am to cease its illegal water withdrawals from the Carmel River and meet the region's water needs, and is the preferable, least environmentally damaging alternative. The Pure Water Expansion would also result in fewer environmental and economic burdens to the communities of concern within Cal-Am's service area, would avoid environmental burdens to the City of Marina, and appears to have fewer significant hurdles to clear before it could be implemented...'

Please follow the recommendations of the CCC staff report and **DENY** CalAm's Desalinization project. Thank your for your consideration.

Tony Vastola
Pacific Grove, CA

Denial of Cal-Am desalination project

mjdelpiero@aol.com <mjdelpiero@aol.com>

Thu 9/10/2020 7:36 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Cc: richardwnutter@gmail.com <richardwnutter@gmail.com>; mdptrustee@gmail.com <mdptrustee@gmail.com>

ATTN: Tom Luster and Members of the CA. Coastal Commission

On behalf of the Ag Land Trust of Monterey County Board of Directors, we strongly support the CA. Coastal Commission staff's recommendation for DENIAL of the proposed California American Water Company's desalination plant and their proposed massively damaging groundwater wells. This project must be denied because of its' massive and unmitigated adverse environmental impacts on protected Coastal Zone resources and its illegal reliance upon the pollution (induced saltwater intrusion) of potable groundwater resources in the Salinas Valley groundwater basin.

Our Trust currently owns over 45,000 acres (in fee or as permanent conservation easements) of prime and productive farmlands in Monterey County. We are the fee owners of over 150 acres of prime, cultivated Coastal Zone farmlands that are immediately adjacent to the CEMEX site wherein Cal Am intends to wrongfully exploit the groundwater resources to which CalAm has no water rights.

Cal Am's proposed project will have massive adverse effects upon our protected coastal farmlands, on our statutorily protected groundwater resources, and upon the long-term employment of hundreds of our farmworkers who work on our ranch. Polluting our groundwater compromises our ability to continue to farm/irrigate our protected coastal farmlands that were acquired with both federal and state farmland preservation program grant funds.

We first publicly objected to the proposed CalAm project before the CCC in November of 2014. We noted at the time that Cal Am had no groundwater rights in the over-drafted, non-adjudicated Salinas Valley, and that both existing California statutes and over 100 years of California groundwater rights law (as articulated by the California Supreme Court in numerous reported cases) prohibit CalAm from ever securing groundwater rights in the basin, and prohibit Cal Am from illegally exporting any groundwater from that overdrafted basin. The pumping of the Cal Am test wells has already wrongfully induced seawater pollution/intrusion into our protected Coastal Zone aquifers and exploited the groundwater aquifers that we have paid (and continue to pay) to preserve and recharge with fresh water (Cal Am has never paid a dime for these supplemental water resources and is in violation of long-term, existing, and comprehensive governmental aquifer recharge assessment districts rules).

We hereby reiterate and incorporate by reference each and every letter of objection, document, and e-mail correspondence in opposition to this project (and all contents thereof) that the Ag Land Trust has sent to the Coastal Commission and its staff since November of 2014 into this, our current objection and request for denial of the Cal am project.

We request the denial of the subject proposed project based upon all of the arguments and submissions that we have provided to you over the past six years, and based upon your staff's comprehensive recommendation for denial of this Cal Am desalination project.

Most Respectfully,

Marc Del Piero for the Ag Land Trust of Monterey County

Please expand the Pure Water Monterey project!

Helen Rudnick <irenehill520@gmail.com>

Thu 9/10/2020 7:20 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please deny CalAm's desal permit. The plant would harm the environment and perpetuate environmental injustice in the city of Marina.

Pure Water Monterey is the cost-effective and environmentally sound solution to our affordable water needs. Please expand this project!

Thank you,
Helen Rudnick
Seaside

CalAm Desal Marina

Pat McNeill <pmcneill64@gmail.com>

Thu 9/10/2020 7:19 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I want to be on record in opposition to CalAm's effort to build a Desal facility in Marina. The design is experimental and un-vetted by industrial standards. The siting in Marina screams institutional racism.

Thank you.

Patrick McNeill

503 Pearl St.

Monterey, CA

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Jessica Scrimshaw <scrimshawjessica@gmail.com>**

Thu 9/10/2020 6:38 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, John Ainsworth, and staff:



My name is Jessica Scrimshaw, and I'm a current resident of Marina. I was originally a CSUMB student who moved here back in 2011, and fell in love with the town of Marina. It's a relatively small town with a lot of local business and great food! Yet it's also close to the larger towns, and less than 2 hours from the rest of my family.

I'm currently 27 and managed to purchase a home here in Marina 2 years ago. I'm living the best life here with my long term girlfriend and our two wonderful cats. I work as a data analyst with the DMDC, and my girlfriend manages for KF Construction. Marina is very special to us and we have planned to stay here and continue to expand our family.

We do not support CalAm's desal project as it will not only be costly and cumbersome, it will be detrimental to the environment we desperately need to protect. Our beaches here in Marina have many spots to protect our ecosystem, and this will only harm all of that.

Are we in a housing crisis? Yes, but the solution isn't this. Before we even think of increasing the supply of water to build more houses, we need to build the infrastructure to support the planned increased population.

Please deny this project. We want to see our community flourish and the land and water here stay safe for future generations of both people and animals.

Thank you,
Jessica Scrimshaw

No on Desal Plant

Elsa Weber <elsaweber4@yahoo.com>

Thu 9/10/2020 6:18 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Coastal Commission,

Please do not approve Cal Am's proposed Desal Plant. This project has been fraught with problems suggested by a company that is doing a terrible job. Cal Am has lost any trust or goodwill from the community. It's time to return water management to local government. That's what government is for!

Thank you for protecting our coast and particularly our vulnerable citizens in Marina. Building a Desal Plant in Marina is not Environmental Justice—it's exploitation.

Respectfully Yours,
Elizabeth Weber

6 September 2020

Dear California Coastal Commissioners:

I am a third year environmental studies major at CSUMB, born and raised in Santa Cruz, with a deep interest in ecological preservation, conservation of resources, and equal access of those resources to all people. After thoroughly reading the *Summary of Staff Recommendation of the Staff Report: De Novo Appeal and Consolidated Coastal Development Permit*, as well as sections A-F of the report, and hearing from local experts Amy Anderson, PhD Marine Biology, and Gary Hoffman, MPWMD representative and licensed civil engineer, on both sides of the issue, I strongly agree with the Report's recommendation not to approve the CalAm Desalination Project. The furthering of this desalination project would be economically expensive, have a multitude of negative environmental effects, and impose an unjust distribution of these financial and environmental burdens on the people of Monterey County.

Desalination of seawater for potable use is an overly expensive endeavor. The cost of this process, paid by CalAm customers via inevitable rise in water utility rates funnels money directly from local residents and businesses to the pockets of a private water company. As a private utility company, CalAm does not guarantee reduced rates for low income households, which compounds the inequity of financial burdens imposed by the desalination Project. In contrast, supporting the Pure Water Expansion Project, which, as stated in the Report, would cost two to three times less, would invest into a publicly owned utility that does offer tiered rates.

Furthermore, the desalination Project would lead to irreversible environmental impacts, both known and unknown, on the delicate ecosystem of Monterey Bay. Brine discharge, at a rate of 10 million gallons per day, would cause direct, ongoing harm to sea life. Additionally, the

construction site and infrastructure would lead to additional short term and permanent harm to sensitive dune habitats. The Monterey Bay National Marine Sanctuary and the protected dune habitats exemplify the value this community places on environmental preservation; this desalination Project directly contradicts these core values. Due to its location at the mouth of the Monterey Submarine Canyon, the Bay is home to a diverse community of studied and yet to be studied species. Scientists cannot know the extent of how the brine discharge and dune disturbance could affect life in the Bay, but operation of a desalination plant would terminate the possibility of finding out until after it is too late to resolve related issues.

Lastly, due to the location of the site, this proposed desalination plant would inequitably affect the already overburdened residents of Marina, a city that is not a customer of CalAm but would shoulder environmental degradation caused by the project, without the potential compensation of reduced water bills. Though the production of this desalination plant would provide water at a discounted rate to residents of Castroville, this benefit does not outweigh the harm it would cause the Marina community. Instead, a different solution to support Castroville residents that would not directly harm inhabitants of other areas must be sought out.

Exorbitant costs, environmental risk, and inequitable distribution of these burdens make this desalination project unjustifiable. While desalination may prove to be a viable option in the future, current technologies constrain this method to be expensive, both in terms of economic and environmental resources. I urge you to stand strong in this decision to deny the existence of a desalination plant at this time and in the foreseeable future.

Sincerely,

Kailee Huebner

Don't go rogue! Support the Coastal Commission staff report!!! Back Science not political influence! Deny Cal Am boondoggle desalination project location.

Tammie Timmion <adagio3737@aol.com>

Thu 9/10/2020 5:15 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I hope and pray our government agencies will protect us from predatory water companies that hold monopoly powers fixated on pursuing THEIR AGENDA at any means necessary to advance THEIR bottom line. Cal Am sees an opportunity for a land grab. They know it's not an ideal location, it's only a convenient location opening up to pursue THEIR agenda to profit from a desal plant. It will never be built even if they corrupted our Coastal Commission! It makes no sense for the community. The extremely profitable New Jersey corporation AWK parent to Cal Am has nothing to lose promoting and trying ever trick in the book to get this concept accepted by the Coastal Commission. Please stop this madness dismiss Cal Am. We who live in the Monterey Bay know we deserve better than to have our water tied to a New Jersey Water Corporation (AWK - American Water Works) whose facade is "California American Water" or Cal Am. Dismiss the project at this location now and forever! PLEASE! Thank you for doing your job to protect us.

Tami Timmion
Monterey, CA

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Mark Kintz <Mark@fc-cpa.com>**

Thu 9/10/2020 5:09 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is Mark Kintz, and this is my family. We bought our first home in Marina in 1999, homeschooled all four of our children here (now adults in professional jobs) and plan to retire in this same house someday. My wife was a stay-at-home mom, and I am a CPA in public practice in Monterey. We've worked with many non-profits as a family, but the one we're most proud of is being on the founding board of <https://www.norcalmtb.org/> (which became NICA <https://www.nationalmtb.org/>) and expanded across the country, coast to coast, and whose mission is to introduce youth to a healthy and active outdoor lifestyle and stewardship of our public lands and trails. The nearby Fort Ord National monument was/is an amazing place for these NICA kids, and we coached high-school teams from our house in Marina from 2002 to 2015 when we passed the torch. The team is still going strong. <https://bikemonterey.org/monterey-bay-lightfighters-mountain-bike-team-2018.html>

My concerns with the CalAm project are many, but the most pressing and concerning aspect to me is the uncertainty about how much water supply (Marina's sole aquifer) really exists, and the very real possibility that the CalAm project will have the undesired effect of exacerbating the existing sea-water intrusion into this already stressed aquifer. Add to this that Marina takes all of this risk, without benefitting by receiving a single-drop of this water, and the whole idea is unacceptable.

I'm not opposed to desalinization in principal, but according to my read of CC staff's report there are less costly alternatives, and if a desalinization plant needs to be built, in the interest of fairness it ought to be built within a jurisdiction who will receive the water. (There is an existing small desal plant already in Sand City on Bay Ave I beleive)

Please deny the Cal Am project.

Respectfully,

Mark Kintz CPA (and family)
483 Carmel Ave

9/11/2020

Mail - CalAmMonterey@coastal - Outlook

Marina, CA 93933
831-375-5166 (Ext 19)

Environmental Justice on desalination project

Araceli suarez-padilla <asuarez-padilla@csumb.edu>

Thu 9/10/2020 5:04 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission,

Marina, Seaside, and Sand City are all cities with notable low-income communities that are within the scope of this proposed project who would be greatly affected if these plans should come into fruition.

These cities have vulnerable, low-income populations that cannot handle another adversity to overcome in their lives being the addition of higher water costs, especially considering water is essential to life. Marina is a city that is already disproportionately home to multiple industrial development projects such as the mining facility, regional landfill, composting facility, and sewage plant which are services that are all outsourced by other cities(pg.89). In Seaside more than a third of its residents have an income below 200% of the federal poverty level. This city is also home to the largest population of African Americans (7%) in the affected area and to various other ethnicities making up the majority of the population at 69% being non-white(pg.90). The risk of displacing these communities is high due to the delicate nature of a low-income person's finances especially with the soaring cost of housing already present. Many residents have described the frugal measures they have implemented into their daily lives such as "...using their dishwashers only to dry dishes, flushing toilets only once a day, taking showers at municipal facilities instead of at home, not washing clothes as often, removing gardens, or using greywater for irrigation" but to no avail, as water prices continue to rise(pg.95).

Cal-Am has tried to address this problem by implementing a discount on their water called Low Income Ratepayer Assistance ("LIRA") where disadvantaged residents can apply for a monthly discount of up to 30%. This program has many very specific requirements such as, "having an individually metered or flat-rate residential meter, having the water or sewer bill held in the name of program participants, and having household income" below the set poverty level(pg.94). These barriers make it

hard for all people in need to access this discount because of different living situations. the inability to have ownership of the water bill in their name due to renting, or not qualifying due to their income not meeting an unrealistically set low number. In addition to it being inaccessible, “Residents participating in the LIRA program who were interviewed also stated the discount does not offset the impacts of increasing rates still.”(pg.95).

Through all this struggle, this desalination project is not intended to service them in the first place, but it is harming them the most in the long run. Marina’s locals will have to deal with constant construction disturbing the ocean which many are concerned about due to the potential effects their cherished home may feel. On top of the high cost of living, and COVID-19’s impact on the economy, these rising water rates may be enough to drive many natives out of their homes due to insufficient funds. This issue is exorbitantly affecting them as there are “seven times as many individuals in Marina and in Cal-Am’s service area that would be burdened by the desalination facility as those in Castroville that would benefit (based on a federal low-income threshold)(pg.95).

This could all be avoided if the Pure Water Expansion project is put into action as an alternative. The projected cost of water is “one-third to one-half of Cal-Am’s proposed Project”, making it a far more economically friendly option(pg.9). As well as being low cost, this project is less intrusive, allows for the cities to avoid unnecessary damage to its beauty, and it would mean the world to the citizens that would otherwise be pushed out of their homes.

Source

Cal Am

Roland Martin <rolhmar95@yahoo.com>

Thu 9/10/2020 5:02 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

For the past twenty five years the CPUC has allowed Cal Am to grow both volume and profit at the expense of its ratepayers, primarily residential. This practice has, today, saddled those residential ratepayers with the highest cost water for comparable utilities in the United States. Its projected desal project will drive the price of water higher by a magnitude, with two profit centers rather than one. This

unnecessary burden must be stopped. It is your duty to represent the people on this peninsula, not Cal Am. Adequate less new water is availble now, not at some future date, by Pure Water Monterey.

Please deny Cal Am its desal authorization.

Respectfully,

Roland Martin, resident, Carmel Valley.

Desal Plant

Macbook <cvroddy@sbcglobal.net>

Thu 9/10/2020 5:00 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please deny Cal Am's Desal Plant. We are already paying too high water bills and this Desal Plant will only increase our rates. We can meet our water needs by expanding Pure Water Monterey's project.

Thank you,

Roddy McArthur
Carmel Valley

Please Deny Cal Am's Desal Project

aeisler <aeisler@sbcglobal.net>

Thu 9/10/2020 4:57 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please deny CalAm's Desal Plant. It is not in our best interest and will only raise our already too high water prices with a project that is not necessary, as we can meet our needs via expanding Pure Water Monterey's project. We have the most expensive water in the USA and expanding the Pure Water Monterey project is the most cost-effective and environmentally sound solution.

Sincerely,

Andrea Eisler
Carmel Valley resident

Sent from my Verizon, Samsung Galaxy smartphone

Cal Am Desal Project

Madeline Borquist <madeline.borquist@santacatalina.org>

Thu 9/10/2020 4:50 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

I deny Cal Am's request to do Desal for the Monterey Peninsula. They have proven themselves to not only be poor stewards of our water supply but avaricious as well.

Madeline Borquist

Sent from my iPhone

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit**Patricia Wagy <patti@wagy.net>**

Thu 9/10/2020 4:48 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners

Executive Director John Ainsworth and staff:

My name is Patricia Wagy; I am a resident of Marina, California since 1995. I have seen Marina undergo many changes and challenges in the last 25 years. Our small community shares the burden of an abandoned army base with its toxic remnants, a regional waste management dump with its impact seen on our freeways and frequent stench in our neighborhoods, and a sand plant which blights our coastline.

I am a retired registered nurse, living on a fixed income. I take pride in our small community and I am seen frequently with my husband of 50 years picking up trash in our neighborhood with our pogy sticks. Marina should not have to bear another burden of a harmful project by a greedy corporation that threatens our ground water and the beauty of our coastline.

Please deny this harmful project. Thank you.

Sincerely,

Patrica Wagy
Concerned Marina Resident

DENY NO Cal Am Desal Project

Judi Lehman <jlehman@redshift.com>

Thu 9/10/2020 4:46 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Coastal Commissioner and Staff:

Please, Please DENY the Cal Am Desal Project.

The local leaders and the community all know the **Expansion of Pure Water Monterey** will provide a long-term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina.

The good work and fine deeds of the Pure Water Monterey supports the Expansion with source water, primarily the 8,000 acre-feet of excess wastewater, that is now discharged into the Bay. This is a WIN for the Ag (they don't have to pay more to treat it before they flush or use it again), a WIN for the Ratepayers (Affordable), a WIN for the environment AND it's contractually secure and drought proof !!

And the community did it - now Cal Am is trying to block and destroy it.

Please, Please DENY the Cal Am Desal Project.

Sincerely,

Judith Lehman

186 Hacienda Carmel, CA 93923

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Cyndi <cynper@sbcglobal.net>

Thu 9/10/2020 3:43 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

Staff got it right! I encourage you to follow your staff's recommendation and deny this harmful Cal-Am project.

Thank you for your work protecting our coast.

Respectfully,
Cyndi Perry
Marina, CA

Appeal no. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

gaely jablonski <gaelyj@yahoo.com>

Thu 9/10/2020 3:32 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 1 attachments (181 KB)

118040975_10225779242214304_1636511741626551538_o.jpg;

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:

My name is Gaely Jablonski and I am a 32 year resident of Marina, CA. My husband, David, and I have lived on the Monterey Peninsula since the early 1970's and found that Marina was not only an affordable community in which to raise our children, it is a community we love because it's filled with a rich ethnically diverse populace of very hard working families. We raised our 2 children here and spent time on our beach as often as time allowed.

When we purchased our home David was a Commercial Fisherman which was difficult as he was gone 80 percent of the year. The children and I were very involved in our community; Marina City Tree Committee, Marina Larger Library, Marina's soccer and baseball/softball, Boy Scouts, and many school activities. David and I began a stainless and aluminum fabrication shop in 2002 so that he could be home with the family.

I would be repeating what has been said time and again by so many others about why this project is terrible for our beloved community of hard working individuals but I implore you to Please deny the, very harmful, CalAm Project. Listen to your staff, they did get it right the first time and have continued to prove this again in their current report.

Thank you for your time.

Very Sincerely,

Gaely Jablonski

Please vote AGAINST Cal-Am's desal proposal

Jane Bednar <janebednar@me.com>

Thu 9/10/2020 2:57 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Water bills have increased 5-10-fold in the past five years. This is insane! We are being priced out of Monterey County. Vote NO.

Appeal No. A-3 MRA 19-0034; Deny CalAM Desalination Project Permit

Andrea Phelps <hikeslots@gmail.com>

Thu 9/10/2020 2:41 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

To: California Coastal Commissioners

From: Andrea Phelps

Subject: Appeal No. A-3 MRA 19-0034; Deny CalAM
Desalination Project Permit

Dear CA Coastal Commissioners, Executive Director John
Ainsworth and staff:

My name is Andrea Phelps and I was a recent resident of
Marina for over 21 years and am now a resident of Seaside.

I am very concerned about the CalAM plan for a desalination
project in Marina. It seems like another example of
environmental injustice where the water and dunes in Marina
would be compromised.

Please deny this harmful project.

Thank you,

Andrea Phelps

Cal-Ams Desal Plant Proposal

Hailey Rizzo <hrizzo@csumb.edu>

Thu 9/10/2020 7:20 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 1 attachments (35 KB)

Letter to Coastal Commission.pdf;

Hello,

I have attached a letter to the California Coastal Commission that is written from the point of view of one of the potentially threatened species regarding the proposed desalination plant in Marina. I hope this offers a new perspective to the Coastal Commission.

--

Hailey Rizzo
Environmental Studies Major
Pre Law Minor
CSU Monterey Bay

To the California Coastal Commission

I am a Western Snowy Plover, one of the few that are left on the Pacific Coast. I was born and raised on the dunes in Marina and I will live my entire life here. I spend my days foraging for food down by the water and making a nest for my young in the dunes where I was born.

One day, as I am collecting shell and vegetation fragments for my nest, many people arrive in large trucks and construction equipment. They are planning to put wells near my home as I am getting ready to mate. I try to build my nest regardless of the noise and machinery, but I am forced further and further away from my home and there is less land for other birds like me. I am unable to find a nesting site that is protected from predators and far enough away from other nests. I do not mate this year.

I spend the next year adapting to the machinery and people encroaching on my home. They have taken up 6 acres of land and many birds like me could not mate last year. This year, we are determined. I begin making my nest early this year in hopes of finding adequate space to raise my young, but sadly I am unable to find the necessary vegetation for building my nest. I make do with pebbles and fish bones, but I can not find a mate. Many birds like me have left their home to find more space.

A few months later, the trucks and machines are gone. There's fewer people in my home, but they left behind wells. Over the next five years life begins to go back to normal. The vegetation grows back, some birds return home, and I am able to mate. I have two broods a year and produce many offspring before the people return.

The people came back to my home with their trucks and machinery. They are working again. I watch as my offspring fail to find space to mate and raise their young. This happens every five

years for the next 20 years. Eventually, there are no birds like me left on the dune I used to call home.

I am not sad that I had difficulties mating or that my young could not raise their own. I am not sad that I watched so many birds like me leave their home or that there are no birds like me in Marina anymore. I am sad that I was not protected. The few other Western Snowy Plovers and I that once called Marina home could have been protected by the California Coastal Commission when they voted against the Desalination Plant in Marina. The construction during my breeding season, the loss of my home, and the continual disturbance of my home could have been prevented. I was born and raised on the dunes in Marina, but I did not get to live my whole life there.

Signed



One of the last Western Snowy Plovers in Marina

Matthew Zefferman
3114 Bayer Street
Marina, CA 93933

9 September 2020

Honorable Chair Padilla and Commissioners
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Dear Chair Padilla and Commissioners

I am writing to urge you to adopt your staff's recommendation and ***deny*** the permit for CalAm's desal project and uphold the City of Marina's denial of the permit. I am an elected board member of the Marina Coast Water District, but am writing this letter in my personal capacity. I also regularly enjoy access to our amazing beach, one of the few accessible beaches on the central coast in a disadvantaged community.

As a small water district that primarily serves the disadvantaged community of Marina, we have a hard time getting our voices heard in the face of CalAm's money and political connections. I commend your staff for evaluating the arguments and evidence presented by all of the stake-holders in this proposed desal project and coming to a decision on the merits.

This project is not needed and will not serve a purpose, other than padding CalAm's profit margin. The Pure Water Monterey expansion will give the peninsula enough water for decades at lower cost and without the environmental harm. I especially appreciate their care in examining the project's harms to residents of Marina and Seaside, two communities that will unfairly bear the burden of this unnecessary project.

The Coastal Commission staff did an outstanding job reviewing the evidence and came to the right decision.

Sincerely,

//signed//

Matt Zefferman

Deny the CalAm Desal Project

Tiffany Buraglio <Buraglios@outlook.com>

Thu 9/10/2020 3:16 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

CalAm has been fleecing the residents of the Monterey Peninsula for their water for years. The icing on the cake was CalAm asking users to conserve water and when they did, they jacked the rates up because they didn't have enough revenue coming in. What???

The Desal project has been an overpriced ridiculous solution proposed by CalAm for a long while. The peninsula needs to reject this project and find another manager for the peninsula's water.

Tiffany Buraglio
Resident, Carmel Valley

Deny Cal Am's Desal Project

wons <wons7591@yahoo.com>

Thu 9/10/2020 2:44 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please deny CalAm's Desal Plant. It is not in our best interest and will only raise our already too high water prices with a project that is not necessary, as we can meet our needs via expanding Pure Water Monterey's project.

Marsha from Carmel Valley

Fwd: Appeal No. A-3-MRA-19-0034, Deny Cal Am Desalination Project permit

Doreen Liem <doreenliem@comcast.net>

Thu 9/10/2020 2:05 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Subject: Appeal No. A-3-MRA-19-0034, Deny Cal Am Desalination Project permit

Dear CA Coastal Commissioner, Executive Director John Ainsworth and Staff,

I am Caleb Liem, MD, a full time Obstetrician/gynecologist at Natividad Medical Center. My wife, Doreen Liem, and I have been residents of Marina since 2008.

We strongly object to Cal Am's desalination project. Please listen to the voice of the citizens living in Marina.

Thank you very much.

Caleb Liem, MD

CAL AM's Desal Permit

Rosemary Luke <rosemaryluke@gmail.com>

Thu 9/10/2020 1:58 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Please deny CAL AM's desal permit

Please Deny Cal Am's Desal Project

Patricia Fay-Magiera <carachoco05@gmail.com>

Thu 9/10/2020 1:53 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners,

Please DENY Cal Am's Desal Project on September 17, 2020.

As a 15 year-long Seaside resident and Cal Am ratepayer, I can say with knowledge and conviction that the Desal Project is NOT in the public interest. It is economically and environmentally unjust. We cannot afford to pay \$6000 - \$8000 per acre per foot for water! Water is a treasure of the environment and its necessity for life makes it a basic human right.

The Pure Water Monterey Expansion is the feasible, environmentally and economically just alternative. It provides a long-term, sustainable water source capable of supporting affordable housing, economic recovery, protection for the Carmel River and the steelhead trout, and protection for the Seaside basin. Cal Am has created lies in letters and postcards to ratepayers and the general public, and presented lies to you.

The California Coastal Commission has worked very hard and diligently doing its own research and homework and proven that it is a full and competent match for Cal Am in trying to secure economic and environmental justice for the people of the Monterey Peninsula, especially for our sister town, Marina. I sincerely thank you for doing this work and helping the environment and the people. I sincerely ask that you continue to do this fine work in denying the Cal Am Desal Project. I request that you support the Pure Water Monterey Expansion.

Thank you for all your hard work, time and consideration.

Respectfully yours,

Patricia Fay-Magiera

Please DENY Cal Am Desal Project**Patricia Fay-Magiera <carachoco05@gmail.com>**

Thu 9/10/2020 1:22 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Patricia Fay-Magiera

1336 Harding Street

Seaside, CA 93955-5554

September 9, 2020

Attn: Thomas Luster

California Coastal Commission

Dear Commissioner Luster:

As a resident of Seaside, I have been active door to door in Seaside with Public Water Now, in order to find a sustainable and affordable water supply and delivery system. Today, I write to you as a Seaside homeowner and senior.

On 9/17/2020 the final decision will be up to you and your Commissioners. Your rejection of Cal Am's proposed desal plant is vital to me and my fellow residents of Seaside. Many here are living below the poverty line, many are average citizens just doing their best working and living here with family and friends, or by themselves. Others are seniors struggling on a fixed income to hold onto their apartments, homes, neighborhoods and health. We simply cannot afford to pay \$6000 to \$8000 per acre foot for water, which is a human right and necessity.

There is no affordable living without affordable water.

The Pure Water Monterey Expansion is the feasible, economically and environmentally just alternative to Cal Am's desal project. It provides a long-term, sustainable water source capable of supporting affordable housing, economic recovery, and protection for the Carmel River and the Seaside basin.

Please follow your Staff's recommendation to **deny** the proposed Cal Am desal project.

Thank you for your time, consideration and hard work!

Respectfully yours,

Patricia Fay-Magiera

Do NOT TAKE OUR WATER

Cheryl Swix <swixie44@sonic.net>

Thu 9/10/2020 1:02 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth

My name is Cheryl Swix. I have been a resident of Marina CA for more than 20 years.

Before retiring last year I worked for Bayonet/Blackhorse Golf Course.

PLEASE DENY THIS HARMFUL PROJECT.

IT WILL NOT ASSIST THE CITIZENS OF MARINA AT ALL!!!

Thank You!!

Sent from my iPad

Cal Am's Desal Project

Katalin Markus <kmarkus@sbcglobal.net>

Thu 9/10/2020 12:54 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners,

Please support your staff's recommendation of denial Cal Am's Desal project.
It is oversized, over priced and will double our water bill.

Pure Water Monterey Expansion is the most cost effective and environmental friendly solution. It will give us enough, good quality water even through drought season.

Thank you for your consideration
Katalin Markus
Resident of Monterey

Sent from my iPhone

Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination/Slant Wells Project Permit

Mike <mgk333@sbcglobal.net>

Thu 9/10/2020 12:52 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commissioners, Executive Director John Ainsworth and staff:

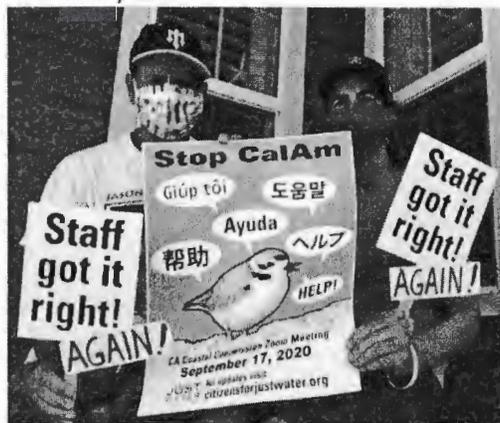
Wouldn't it be fantastic if there was an official agency that had the power to:

- Protect and expand public shoreline access and recreational opportunities
- Protect and restore sensitive habitats, including near-shore waters, wetlands, riparian habitat, and habitat for rare and endangered species
- Protect scenic landscapes and views of the sea

We are all very fortunate to know that there *is* such an entity – the California Coastal Commission – that was created to **preserve, protect and restore the resources of the California coastal zone** for the enjoyment of the current and future generations.

I am asking the California Coastal Commissioners to please **vote according to your staff's very thorough analysis and accurate recommendation and deny CalAm's slant wells** on the shoreline of Marina.

Sincerely,
Michael Kennedy
Marina, CA



Appeal No. A-3-MRA-19-0034: Deny CalAm Desalination Project Permit

langmeadlarry@gmail.com <langmeadlarry@gmail.com>

Thu 9/10/2020 12:37 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff,

My name is Larry Langmead. I have been a resident of the Dunes in Marina since May of this year. My wife, Sharon, and two college age daughters, Kaitlyn and Nicole, moved here when I retired from Lockheed Martin.

I have been sorry to read the extremely misleading news about the desalination project which will, in fact, have a major negative impact on the fresh water resources of the City of Marina. There must be better places to build the project and take the water which will not have such an impact on the communities.

Please deny this harmful project! Thank you.

Larry P. Langmead

langmeadlarry@gmail.com

408-859-7010

De Sal Plants

Elisabeth Billingsley <ebillingsley@redshift.com>

Wed 9/9/2020 11:55 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear Commissioners

I very much am against Cal AM's desalt plant. As a 60year resident of Marina I'm also a widow, this is very upsetting for me and others, we had the Cemex plant for all these years and they took our sand from our beach and here comes Cal Am and wants to take our water now.

I have pictures how nice our beach used to look and now it is terrible , the parking lot is almost to the beach.

Please Listen to your STAFF they got it , they under stand and can see right through Cal AM's lies. Marina has so many disadvantages people and we just can't afford loosing our water.

PLEASE Listen to the Staff.

Thank you

Sincerely

Mrs. Elisabeth Billingsley

401 Sunset Pl.

Marina, CA 93933-3314

831-384-9038

Appeal No. A-3-MRA-19-0034**Willi Franz <willideb@comcast.net>**

Wed 9/9/2020 10:57 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

 1 attachments (3 MB)

P1040417.JPG;

To: CalAm Monterey

From: Willi Franz

Email: willideb@comcast.net

Subject: Appeal No. A-3-MRA-19-0034, Deny CalAm Desalination Project Permit

Dear CA Coastal Commissioners, Executive Director John Ainsworth,

My name is Willi Franz. I am a resident of Marina. My wife and myself were working in the Hotel business before covid. Debbie worked as F&B for Hyatt while I worked for Marriott as Ex. Chef. We transferred here from Washington DC. We found this house after living in the Hotel for weeks. We fell in love with the area with all the AG growing, the Ocean, the small town feeling Marina gave us made us decide to buy a house here. We moved here in 2006 and have a neighborhood full of wonderful people. Throughout the years we have adjusted our living to accommodate the water supply. We spend \$3,000 on a new lawn, but when they called for cut back, we stopped watering. In order for us in Marina to continue our water supply, we all needed to comply. And we all did for the good of living here.

Debbie is Canadian and I am from Chicago.

The reason for this email:

"Please deny this harmful project thank you.

Chef Willi Franz

Appeal No. A-3-MRA-19-0034; Deny Cal-Am Desalination Project Permit

Troy Ishikawa <ishikawatroy@yahoo.com>

Wed 9/9/2020 10:48 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commissioners, Ex. Dir. Jack Ainsworth, and staff:

I am writing to you in support of Pure Water Monterey Expansion project. The CCC staff "Got it Right, Again!" I have read the 154-page report from cover-to-cover. The PWM Expansion is a far superior alternative to Cal-Am's desalination project and here are my top 10 reasons why!

- 1) PWM Expansion will come on line faster.
- 2) Cost less money!
- 3) Exceeding less environmentally damaging!
- 4) Is already pumping recycled water (the preference by your commission) into the Seaside Basin.
- 5) Does no harm to the Salinas Valley Groundwater Basin.
- 6) Will provide plenty of water for everyone in our water district for decades to come and allows for conscientious development, growth, and lots on record.
- 7) Will help restore the steelhead population in the Carmel River.
- 8) There will no longer be over-pumping of water from the Carmel River, removing the state's 1995 cease and desist order.
- 9) Does not burden low-income ratepayers in the Monterey Cal-Am district over another low-income group outside of the district. This is NOT Environmental Justice.
- 10) Has the potential to be the pioneer in recycled water, successfully championing environmental challenges in a climate changing world.

Deny Desal!

Respectfully,
Troy Ishikawa
Carmel, CA

desal

Mark Pettit <map13@sbcglobal.net>

Wed 9/9/2020 10:27 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

we do not need a desal plant to achieve our water needs. This is a routine lie from CalAm to inflate its value

Stop this project

Sent from AT&T Yahoo Mail on Android

Cal AM Desal Project

Comcast <jeanmdonnelly@comcast.net>

Wed 9/9/2020 10:25 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear California Coastal Commission Executive Director John Ainsworth and Staff,
My name is Jean Donnelly. I reside in Pacific Grove. I am a retired teacher and very interested in environmental issues.

Because of my concerns, I respectfully request that you deny the Cal Am Desal Project Project,
Appeal number: A-3MRA 19-0034.

Sincerely,

Jean Donnelly

759 Jewell Ave.

Pacific Grove, California

93950

Sent from my iPhone

Appeal No. A-3-MRA-19-0034; Deny Cal Am Desalination Project Permit

Peggy Smith <ps.mbay@yahoo.com>

Wed 9/9/2020 8:15 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Dear CA Coastal Commissioners, Executive Director John Ainsworth & staff,

My name is Margaret P Smith. My husband & I moved to Marina from Pacific Grove when we bought our first home. 24 years later we still happily live in that same home. We are both retired now. Able to enjoy more of what we love doing, ride our bikes along the CA coastal trails or walk the footpaths with our dog. I writing to ask you to please deny the Cal Am Slant Well project!

I hope you all will deny the Cal Am Slant Well Project.

Signed,

Margaret P Smith
3165 Kona Cir, Marina 93933

Cal Am Desal Permit Denial

ouchie contributor <contributor@ouchie.us>

Wed 9/9/2020 12:26 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Hello California Coastal Commissioners,

I have been a Monterey County resident for three years. I was astonished to learn that a publicly traded corporation owns our regional water rights and infrastructure. Although I am strongly in support of private business and particularly value the model of public contracts which support independently owned and operated family and other corporate businesses, I believe that water systems should not be involved in business structures like publicly traded commodities. Water and the ability to utilize that water at a zero to extremely low cost is a basic human right. I believe that the stock market incentives of essential shared resources, such as water, elicit a monetary focus that un-justifiably uses a public resource as a methodology of commerce.

As a resident, I have personally experienced how Cal Am has leveraged our essential public resource for their corporate and shareholder objectives. My Cal Am water rate was burdensome to my budget.

Additionally, I received marketing materials from a Cal Am contracted marketing firm that contained mis-leading and inaccurate statements. They have clearly shown an interest in leveraging Federal and State funds to enrich their economic objectives. They have increased rates dramatically over my Brief residence in the county and show no intent to lower rates.

I have been aware their actions to side step environmental protections and to challenge the city of Marina on water rights. I do not believe that Cal Am is correctly managing the water system and respecting the water basin beyond their immediate region.

I strongly advocate that you deny Cal Am's permit application.

Thank you for your consideration,

Dustin Faddis

Deny CAL AM's Desal Project

al.schader@gmail.com <alschader@gmail.com>

Tue 9/8/2020 7:53 PM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Do we need water? Yes. What we don't need is CAL AM's high priced desal plant! Expanding the Pure Water Monterey project is the most cost effective and environmentally sound solution. Please deny CAL' AM's desal permit.

The Monterey Peninsula ratepayers can not afford a desal plant.

Leonard A. Schader

Marie E. Schader

1374 Boles Ct.

Seaside, CA 93955

Re: the Desal project...

Mark Watson <marquis51@icloud.com>

Fri 9/11/2020 1:33 AM

To: CalAmMonterey@coastal <CalAmMonterey@coastal.ca.gov>

Here's another Letter for Deny of Cal.Am's desire to construct an oversized, overpriced, bad location, and un-needed desal plant. Pure Water Monterey is a feasible and environmentally preferable and more cost effective way to come by water. Just not as profitable... I support Marin in defense of their water source, this desal plan is not the answer to our water problems, Please Deny the Right to Access our Shoreline !

Mark Watson,
Monterey Resident
Cal. Am. ratepayer.

September 10th, 2020

Sent from my iPad

On Sep 10, 2020, at 3:20 PM, susan schiavone <s.schiavone@sbcglobal.net> wrote:

Please all PWN folks - we need more letters! This is it! 🗨️Emoji 🗨️Emoji

On Thursday, September 10, 2020, 09:02:29 AM PDT, MWChrislock <mwchrislock@redshift.com> wrote:

LETTERS MUST BE IN BY FRIDAY. They can be short, just ask them to DENY Cal Am's Desal Project.

Cal Am and its supporters are asking people to send letters to the Coastal Commission.

Please take a few minutes to counter Cal Am's effort with your own letter.

Email your letter to CalAmMonterey@coastal.ca.gov

Subject: DENY Cal Am's Desal Project

Support the Coastal Commission staff report in your letters. I recommend reading the summary. It's just the first 11 pages here:

<https://documents.coastal.ca.gov/reports/2020/9/Th3a&4a/Th3a&4a%20Staff%20Report.pdf>

Melodie

Updated Key points to draw from:

- Cal Am’s Desal project is not in the public interest**
- Pure Water Monterey Expansion is the feasible and environmentally preferable alternative**
- It will give us a new water supply much sooner than desal
- Our current water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to stop illegal withdrawals from the Carmel River by December 2021.
- Our current water supply will restore the Carmel River and protect the Steelhead. The environmental issues facing the Carmel River have been resolved by Pure Water Monterey without the need for Cal Am’s desal or the PWM Expansion.
- There is no Carmel River crisis
- We don’t need Cal Am’s oversized, over priced desal project to solve our problems
- The Expansion of Pure Water Monterey will provide a long-term sustainable water supply for decades of growth. It will support affordable housing and economic recovery and avoid environmental damage and environmental injustice to Marina.
- No Affordable housing without affordable water. Cal Am’s desal would double our water bills.
- Cal Am is the only obstacle to the expansion of Pure Water Monterey.
- Cal Am cannot be trusted. Passing Measure J was the community’s statement
- Desal damages the environment, costs too much and creates environmental injustice
- Desal harms the coastal habitat and Marina’s beautiful dunes
- Desal has no legal source water, it would draw groundwater from an overdrafted groundwater basin NOT under the ocean
- PWM Expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. It is contractually secure and drought proof
- Orange County has used this same system for decades
- Cal Am has had 25 years to solve or water supply

problem

– Our public agencies have solved it in the last 6 years. Now all the water we need for decades is available, but Cal Am is blocking it

Luster, Tom@Coastal

From: Dustin Cook <Dustin@dcookconstruction.com>
Sent: Wednesday, September 02, 2020 1:12 PM
To: CalAmMonterey@coastal
Cc: MWChrislock
Subject: Cal Am's Desal Project

Dear Commissioners,

I am writing in support of the findings of your staff for Cal Am's Desal project. The Desal project is not in the public interest. There will be damages to the coastal habitat and Marina's sand dunes as well as creating an environmental injustice. There is no water supply crisis and we don't need Cal Am's oversized, overpriced desal project to provide our future water supply.

Pure Water Monterey Expansion is the feasible and environmentally preferable alternative that in Phase 1 (3,500 acre-feet) will allow us to restore the Carmel River and stop illegal withdrawals by December 2021. It will give us a new water supply much sooner than desal without Cal Am's proposed doubling of our water bills.

Desal has no legal source water. It would draw groundwater from an over drafted groundwater basin NOT under the ocean.

Expansion of Pure Water Monterey provides a long-term sustainable water source that is capable of supporting affordable housing, economic recovery and protecting the Carmel River and the Seaside basin.

PWM Expansion source water is primarily the 8,000 acre-feet of excess wastewater that is now discharged into the Bay. It is contractually secure and drought proof. Orange County has used this same system for decades.

Cal Am is the only obstacle to the expansion of Pure Water Monterey.

Cal Am cannot be trusted. Passing Measure J was the community's statement.

Thank you for your consideration of this matter.

Sincerely,

Dustin Cook, Cal Am customer, resident of Carmel Valley

D. Cook Construction
831-899-2532
831-899-2808 fax

Luster, Tom@Coastal

From: Marian M. Cote <cotejam@icloud.com>
Sent: Wednesday, September 02, 2020 11:53 AM
To: CalAmMonterey@coastal
Subject: Deny CalAm Desalination Project near Marina, California

Dear Commissioners:

I am a relatively new resident of Marina, California. I have been hearing and reading a lot about the proposed desalination project upon which you shall be voting. I understand the impact on my chosen retirement community shall be very negative, not to mention native species and the beautiful coastline.

PLEASE VOTE "NO" !!!

Thank you for your consideration.

Marian M. Cote

Sent from my iPad

Luster, Tom@Coastal

From: Carol Setinek <carolsetinek@gmail.com>
Sent: Wednesday, September 02, 2020 9:39 AM
To: CalAmMonterey@coastal
Subject: Comment re Sept. 17th CCC meeting

Please deny Cal Am permission to build its troubled slant well desalination project. The majority of our community and elected leaders do NOT support this project. We have a less expensive, less invasive solution in the Pure Water Monterey expansion.

Our region should not be forced into Cal Am's expensive desal, especially not while a pandemic is clobbering our economy. Building it would double our ratepayer's water bills at a time we can least afford it, as well as slowing our economic recovery.

We know Cal Am promotes its desal because it **earns a 9.2% rate of return on its capital investments**. If Cal Am buys water from the recycling project, the cost is passed through to customers with no profit going to Cal Am's corporate parent and shareholders.

Recycled water from the Pure Water Monterey Expansion can supply sufficient fresh water to our region for a generation. In the long term, we may need desal, but let's use the best design available then. Today's desals are expensive because pressures of more than 1,000 pounds per square inch must be generated to push the salty water through filters.

Livermore Lab researchers have recently developed a technique that lowers the cost of desalinating seawater. <https://www.llnl.gov/news/new-desalination-technique-uses-flow-through-electrodes-faster-desalination-and-lower-cost>

It uses new porous carbon materials, allowing saltwater to flow easily through electrodes, making it much more energy-efficient. Let's wait!

Not using Pure Water Monterey, the affordable solution the Monterey One Water Board has given us, would be just another Cal-Amity! Let's ditch divisive Cal Am, and our best regional water decisions will literally bubble up.

--

For every vision, there is an equal and opposite revision.

Luster, Tom@Coastal

From: Dawn H <dhartsock@gmail.com>
Sent: Wednesday, September 02, 2020 9:08 AM
To: CalAmMonterey@coastal
Subject: No De-Sal PLEASE!!!

Dear Members of the Coastal Commision,

Thank-you for doing your job and understanding that the De-Salination plant is a very bad idea on so many levels. Please do not "Cave In" to pressure from \$\$\$Cal Am. Please continue to support the environment and the people who live here by supporting alternate water solutions.

Sincerely,

Dawn Hartsock

Seaside and Marina home owner

Luster, Tom@Coastal

From: wayne kelly <surferwaynekelly@gmail.com>
Sent: Tuesday, September 01, 2020 10:47 PM
To: CalAmMonterey@coastal
Subject: DENY Cal Am and the Desal Project

Hello,

I am a lifelong Monterey resident, and have been following our water issues in the area for over 25 years.

I would like to make one thing clear. No one that I have talked to here wants this overpriced, environmentally damaging Desal plant proposed by Cal Am.

In fact, people are very passionate about blocking it from ever getting built.

Cal Am has been trying to mislead the public with false information, so please consider that if you receive ANY letters from the public on Cal Ams behalf. They have been asking people to write letters based on their deceptive propaganda. I will get back to this.

No citizen hearing actual facts would ever choose this Desal Plant over the Pure One Monterey project. Unless, of course they had a financial interest.

This community is very proud of the Pure One Monterey project, and we are looking forward to our future with them. They are doing a fantastic job, and Pure One Monterey brings a sense of pride to our community.

Cal Am has worked very hard to block Pure One Monterey and it's expansion at every step. The SOLE PURPOSE of Cal Am blocking it is so they can profit from this expensive Desal build, and charge ratepayers outrageous amounts of money for water.

Cal Am has been working diligently against concerned citizens, ratepayers and even our own Water District that they are supposed to be supporting.

This Desal Plant will be litigated heavily. They want to build it right in the middle of a sensitive coastal habitat. It also may very well affect the water quality in Marina as well.

Even without litigation, this proposed Desal Plant is well out of reach of the goal to satisfy the Carmel River Desist Order. It's way too late for the Desal Plant to be operational by the end of 2021.

This Desal Plant is also EXPERIMENTAL, it's never been done with slant wells in this manner, anywhere, ever. It is possible it may not even operate as planned.

There is no doubt that it will draw more salt water toward the basin, as that would be the goal.

That could possibly contaminate the Marina water supply further, and draw their cleaner water toward the coast. I am no scientist, but I believe science and logic when I hear it. Logically, it only makes sense to me.

Regardless, Cal Am has no right to take water from the Marina Basin, or draw water anywhere near it. It is not something that we need to experiment with. The City of Marina is fully prepared to litigate this with hard science.

Marina is miles away from Monterey, and there has not been much talk or consideration about the additional environmental damage done from digging more trenches for more piping. Especially near the coast and the proposed site.

There is so much wrong with this Desal project, I can't even cover everything here.

Through news and social media, Cal Am has been spreading lies/ deception about the need for a Desal Plant. As a lifelong citizen of this county, it is has been frustrating to see Cal Am mislead fellow citizens like that.

I would be happy to forward you some of their overtly misleading messages at your request, so you can make your own judgement. It should be illegal for a company to lie to the public like that.

We, the people are tired of Cal Am working against our better interests for profit. That is why the majority of ratepayers voted to buy out/ get rid of Cal Am.

Dave Stoldt, General Manager of the Monterey Water District thoroughly crunched our water numbers. Mr. Stoldt says Pure One Monterey can easily relieve our reliance of the Carmel River. I believe that to be accurate, as Mr. Stoldt has our best interest in mind.

The better plan is to expand Pure One Monterey, which will supply us with enough water for at least another 25 years.

In the future, Desal technology will inevitably improve, and become more affordable. There is also new technology coming forward that could potentially replace Desal. Choosing Pure One Monterey will leave us with better options for the future.

If Cal Am had our best interest in mind, they themselves would have been pursuing other options to relieve our reliance from the Carmel River. Doing things like blocking the Pure One Monterey Water expansion shows you their true colors.

It makes no sense, unless you have ulterior motives like profit in mind.

Without Pure One Monterey, there would be no backup plan. Cal Am has no other plan. It seems Pure One and the Monterey Water District may have "saved the day" for us. Kudos to them.

Please vote to DENY this unwanted Desal Plant. Our water district has a plan, and our best interest in mind. I am confident we are in good hands.

Thank you for your time!

Wayne Kelly

Luster, Tom@Coastal

From: Laura Murphy <lamindeed@gmail.com>
Sent: Tuesday, September 01, 2020 9:32 PM
To: CalAmMonterey@coastal
Subject: Cal Am's Desal Project

Dear Coastal Commissioners,

I am a resident of Seaside, CA. My work and passion are in conservation and wise and equitable community stewardship of our collective natural resources. I am writing in support of the findings of the Staff Report referenced here: <https://documents.coastal.ca.gov/reports/2020/9/Th3a&4a/Th3a&4a%20Staff%20Report.pdf>

My intention in writing today is to assert my strong sentiment that the referenced California American (Cal Am) Water Desalination project is not at all in the public interest. The dogged insistence of Cal Am to press forward with the Desalination Project reflects, I believe, the company's utter disregard for the will and needs of the community in and around the Monterey Peninsula, and its interest rather in serving its own profit motive.

I do believe that the Pure Water Monterey Expansion is the most desirable alternative, allowing for a resolution of environmental issues related to withdrawal from the Camel River as well as future development.

I sincerely appreciate your consideration.

Laura Murphy
Seaside, CA 93955

Luster, Tom@Coastal

From: Renee Franken <rbfranken@aol.com>
Sent: Tuesday, September 01, 2020 11:32 AM
To: CalAmMonterey@coastal
Subject: Please oppose Cal Am's desal project

I would appreciate it if the following would be distributed to each member of the Coastal Commission and to all staff involved in this issue. Thanks.

Date: September 1, 2020
To: Coastal Commission Members and Staff
Re: Cal Am desal proposal – please oppose

Cal Am's proposal to build a behemoth of a desalinization plant is worse than a boondoggle. Cal Am states that it is a sustainable project and that it is the only adequate source of water for the Monterey Peninsula. In fact, it is neither. The Pure Water Monterey project, which uses reclaimed water, treats it by four separate, state of the art filtration systems – and then injects it in the ground water supply – is the sustainable, adequate, and affordable way to address the Monterey Peninsula's water needs. What does Cal Am do about Pure Water Monterey? It refuses to enter into a contract to buy this water – water which is ever so much cheaper than what Cal Am would produce if the desalinization plant were built. Fact is, Cal Am makes money on the development of a desal plant. It makes more money the bigger and more expensive that plant is. They have designed a plant that is not needed. For reasons both of cost and the environment, the desal plant should not go forward.

For many years I worked at the chief staff for a California Assembly Committee where, among other things, it was my job to evaluate the proposals and positions various groups took on legislation. I checked everything and everyone. I soon learned who could be trusted with not bending the truth or providing self-serving arguments while omitting the facts that countered their positions. It is partly for this reason that I am amazed that Cal Am has any credibility with public agencies. Cal Am continues to present arguments that have been shown to be untrue. They make claims they cannot back up. They are under a cease and desist order that they ignore and get delays for compliance, time after time. They cannot be trusted.

In their most recent letter to rate-payers, asking them to support Cal Am's position on the desal plant, Cal Am argues that the desal plant is the only viable option to supply the Peninsula with water. It has been proven over and over again that this is not true. Various studies have shown that the Pure Water Monterey expansion program will provide adequate water to the Peninsula to meet its needs long into the future.

In the same letter, Cal Am lauds the rate payers for being a leader in conservation – conservation that Cal Am chose to punish us for by asking for increases in water bills to compensate them for our lower water usage.

Basically, Cal Am's desal proposal is in the interest of Cal Am – not in the public interest. The Pure Water Monterey project will deliver adequate water to the Peninsula at 1/6 the cost of the desal plant. But Cal Am will not make money on this project as it would on the \$1.2 estimated desal plant!

I spent most of my career working on affordable housing. I know how hard it is to get affordable housing accepted in communities and built. Cal Am's argument that it favors affordable housing, and that the desal plant is the way to achieve affordable housing is so far off the mark it is laughable.

- Cal Am would have you believe that there is a water crisis on the Peninsula. There is not. The Pure Water Monterey expansion project is the only viable and affordable proposal for the rate payers of the Peninsula.
- Cal Am would have you believe that the desal plant is the only way to resolve the cease and desist orders facing Cal Am for taking water from the Carmel River and the Seaside Basin that it should not have taken. It is not. Pure Water Monterey will, by December of 2021, provide enough water so that Cal Am will not need to take excess water from the Carmel River and Seaside Basin. All Cal Am needs to do is to agree to purchase the water. The desal plant, if approved, would not be on line for years, delaying Cal Am's ability to meet the terms of the cease and desist order – yet again.

Please do not saddle Monterey Peninsula rate payers with a desal plant that is not needed and will double our water bills. We already pay the highest costs for water in the country. Your staff has analyzed the situation well. I support that analysis. Please put an end to this desal proposal once and for all.

Thank you very much for your consideration.

Sincerely,

Renee Franken

Luster, Tom@Coastal

From: charles mendez <gochazbo@hotmail.com>
Sent: Tuesday, September 01, 2020 11:05 AM
To: CalAmMonterey@coastal
Subject: Cal Am's Desal Project

Costal Commissioners.

I am a customer of Cal Am and feel that they are only in the interest of their shareholders and dividends. We pay for water we didn't even use. PWM is the way to go. Cal Am had their boys vote the SEIR down for PWM expansion so they look like the only game. Thank you for your time.

- Cal Am's Desal project is not in the public interest
- Pure Water Monterey Expansion is the feasible and environmentally preferable alternative
- Our new water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to restore the Carmel River and stop illegal withdrawals by December 2021. The environmental issues facing the Carmel River are resolved without Cal Am's desal.
- There is no water supply crisis
- No Affordable housing without affordable water. Cal Am's desal would double our water bills.
- We don't need Cal Am's oversized, over priced desal project to solve our future water supply needs.
- Expansion of Pure Water Monterey provides a long-term sustainable water source that is capable of supporting affordable housing, economic recovery and protecting the Carmel River and the Seaside basin.
- Cal Am is the only obstacle to the expansion of Pure Water Monterey.
- Cal Am cannot be trusted.

Charles Mendez .

Luster, Tom@Coastal

From: Gaye Gandia <gandiaiv@hotmail.com>
Sent: Tuesday, September 01, 2020 10:36 AM
To: CalAmMonterey@coastal
Subject: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit
Attachments: StopCalAm.jpg

Dear California Coastal Commissioners, Executive Director John Ainsworth and staff:

We are the Gandia family and we have lived in Marina for over 30 years. We raised our two sons here, and now raising our 8 year old grandson. We both recently retired, after long careers with the U.S. Army and civil service.

Please, please do all you can to deny the HARMFUL CalAm Slant Well project!

Thank you,
Gabe & Gaye Gandia

Luster, Tom@Coastal

From: R. J. Roland <rjayroland@gmail.com>
Sent: Tuesday, September 01, 2020 10:04 AM
To: CalAmMonterey@coastal
Subject: Supporting Local Management of Water Resources

To whom It May Concern.

These are my thoughts relative to your supporting our local (Monterey area) management of our water resources.

1. I don't think that Cal Am's Desal project is in the public interest
2. Pure Water Monterey Expansion is the feasible and environmentally preferable alternative.
3. Our new water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to restore the Carmel River and stop illegal withdrawals by December 2021. The environmental issues facing the Carmel River are resolved without Cal Am's desalination project.
4. There is no water supply crisis
5. There cannot be affordable housing without affordable water. Cal-Am's desal would double our water bills.
6. We don't need Cal Am's oversized, overpriced desal project to solve our future water supply needs.
7. The expansion of Pure Water Monterey provides a long-term sustainable water source that is capable of supporting affordable housing, economic recovery, and protecting the Carmel River and the Seaside Basin.
8. Cal-Am is the only obstacle to the expansion of Pure Water Monterey.
9. Finally, in the efforts over past years on this topic, I am convinced that Cal-Am management cannot be trusted as theirs is a profit versus service motive.

V/r,

Jay Roland

120 Del Rey Gardens Drive
Del Rey Oaks, CA 93940

+1.831.373.2025; M:+1.831.402.8607

Luster, Tom@Coastal

From: Jeffrey Weekley <jdweekley@gmail.com>
Sent: Monday, August 31, 2020 6:19 PM
To: CalAmMonterey@coastal
Subject: Cal Am Desal Plant Marina

Dear Coastal Commissioners and Staff,

I am writing to express my concern about the upcoming Coastal Commission review of the California-American (Cal Am) slant well desalination plant in Marina. I strongly urge you to deny this request.

Firstly, the City of Marina and its citizens will not reap any benefits from this project, but in fact, they will suffer significant harm as Cal Am removes ground water from the city's sole source of potable water. This is clearly an environment injustice to the citizens of Marina, who already shoulder a disproportionate share of the regional environmental burden, as both the regional wastewater treatment facility and the regional waste management facility are located in or nearby Marina.

Secondly, I have reviewed both the EIR and the studies supporting it. They are fundamentally flawed, and even though these flaws were noted in the peer review, no action was taken to address the flaws. Specifically, Lawrence Livermore National Laboratory peer reviewers questioned both the number and the duration of the sample wells as input to their groundwater modeling. All models are biased, and this one was purposefully designed to bias it towards showing no impact to sea water intrusion.

Lastly, one must ask the question: why Marina? Clearly, if desalination was truly the goal of the project, other locations could easily suit this purpose. But other communities - communities where the residents are more affluent and more likely to be able to defend themselves against a multinational corporation, they knew they could not get public support. Furthermore, I do not believe that Cal Am even has the support of their rate payers on this project.

In fact, Monterey One Water is a much better option for both the Peninsula rate payers, for the environment and for social and environmental justice.

I strongly urge you to head the citizens of Marina, Cal Am rate payers, and your own staff report and reject this appeal.

--

Jeffrey Weekley
Marina, CA
831-236-8432

Luster, Tom@Coastal

From: Anna Brigantino <abrigantino@outlook.com>
Sent: Monday, August 31, 2020 5:13 PM
To: CalAmMonterey@coastal; Anna Brigantino
Subject: Appeal No. A-3 MRA-19-0034; Deny CalAm Desalination Project Permit
Attachments: anna b.jfif; buckwheat.jfif; dune veg.jfif; pelicans.jfif; smith's blue.jfif; marina dunes.jfif

I was born and raised in the Central Coast area and I am lucky enough to have retired in Marina, CA. I live in Marina because it is affordable, but also because it is a nature lover's paradise. I live a mile or so from Fort Ord Dunes State Park, Fort Ord Natural Reserve, Marina State Beach and the Monterey Bay Coastal Recreation trail. I frequent these places on a daily basis. There is no better feeling than breathing in the ocean air; watching the dunes change from their drab winter coloration to the bright blooms of spring and summer; or catching a glimpse of the rare but beautiful Smith's blue butterfly or of the delicate and threatened Snowy plover.

I love the dunes so much and they are so important to me, that I volunteer my time with the State Parks Foundation to remove invasive plant species. I also volunteer with other organizations in the area that feed the homeless, protect ocean wildlife and assist local students. I don't point this out to pat myself on the back but to explain that this is the norm here. Everyone who is able to, gives back to the community—protecting nature and its citizens. It is this strong sense of community that makes this area home, both to people and to wildlife. Because for those of us that are so lucky to live in such a blessed area, the homeless are not invisible but individuals. The animals also are not invisible, but individuals that are recognized by their specific traits or the little nooks and crannies of the area that they call home. Here, we live in concert with nature.

That is why I am opposed to the proposed CalAm desal project. The desal plant is not compatible with the culture of this area. It is a selfish endeavor in an area with an overabundance of selflessness. It harms rather than enhances the natural environment. It pollutes rather than restores water and habitat to pristine condition.

The desal plant is also NOT a logical choice:

1. It is too expensive and its slant-well technology is unproven and known to be environmentally harmful.
2. Rather than providing fresh water, it may actually endanger Marina's aquifer of fresh water which has taken nature 20,000 years to create and which should be a treasure that is protected rather than exploited.
3. It would be a slap in the face to residents who have worked so hard over the years to conserve water and to find solutions, like Pure Water Monterey, that ARE compatible with our culture.
4. It makes no sense to expect Marina to risk its water, lose a big part of its beautiful shoreline, further stress threatened plant and animal life—and get absolutely nothing in return.

I respect a company's need to be profitable. But there are honorable and reasonable profits and there is that which is unethical. For the reasons noted above, I feel moving forward with the CalAm desal plant would be highly unethical. The choices that CalAm has made in the past (overdrafting the Carmel River, overcharging for dismantling of the San

Clemente dam, etc) are the reasons that this community has no faith in this multi-national company which so obviously does not care about Marina and the Peninsula, but only cares for its shareholders.

Please deny CalAm's Desal permit so that Marina residents can get back to our important business of taking care of our community--especially in this time of pandemic and extreme economic hardship--and so we can quit wasting our time, money and energy defending ourselves against this ridiculous and irresponsible project. We are not asking for anything—except to be left alone.

Anna Brigantino

Marina, CA

Luster, Tom@Coastal

From: Steve <steve_barnett55@att.net>
Sent: Monday, August 31, 2020 9:45 AM
To: CalAmMonterey@coastal
Cc: liz Barnett
Subject: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Dear CA Coastal Commissioners, Executive Director John Ainsworth, and staff:



We are Steve and Liz Barnett and live at 244 9th St. in Marina. We are empty nesters who love living here and are active in our community. We also spend hours each week walking and cleaning our nearby coastline and surrounding lands.

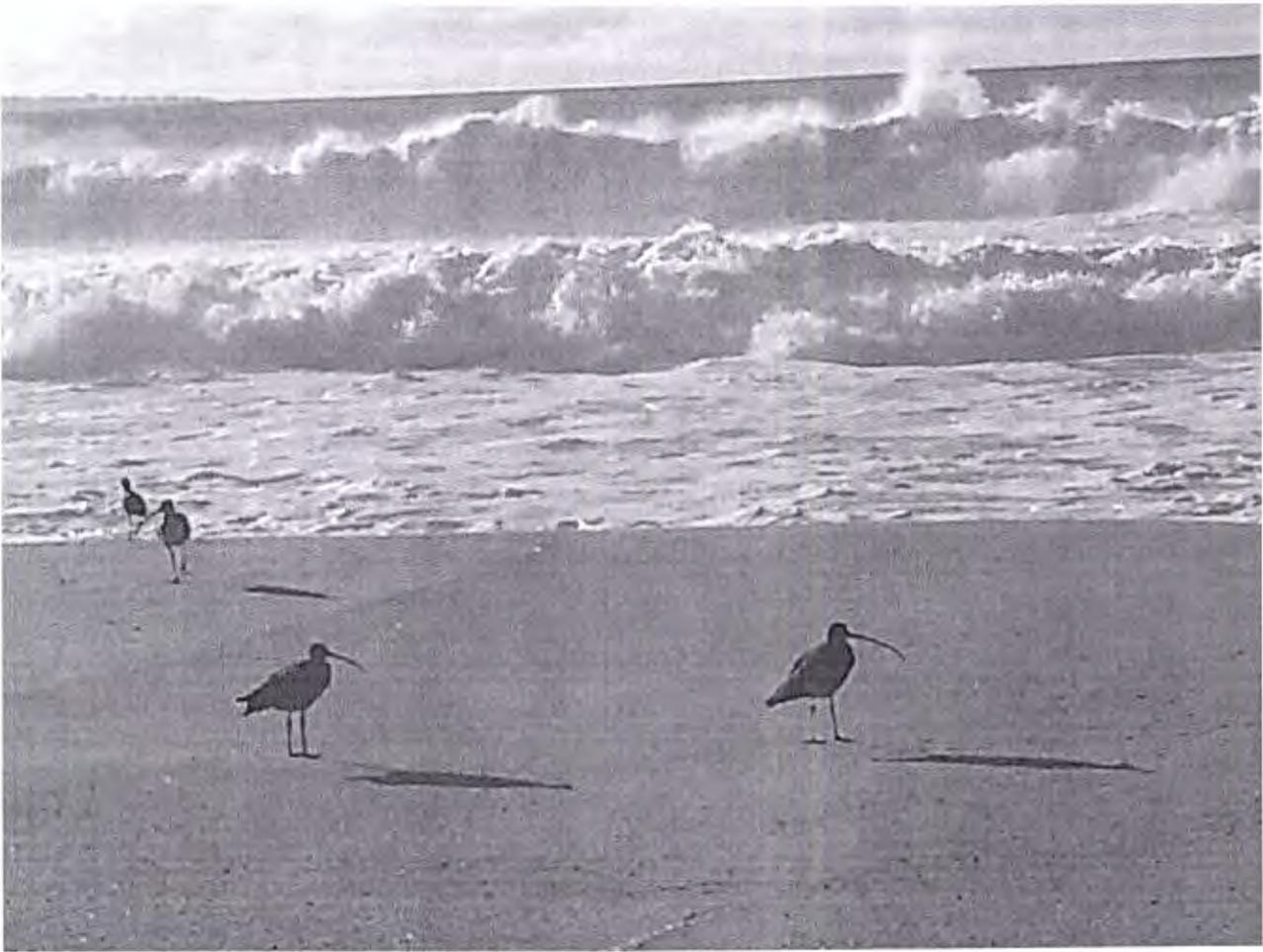


We attended the previous public hearing in Half Moon Bay on November 14, 2019. We have also read the 10-page Summary of Staff Recommendation from the Staff Report released by the California Coastal Commission on August 25, 2020. We found the Report and recommended Denial to be well articulated and reasonable in its explanations and conclusion. We are grateful to staff for their fairness and thoroughness.

Please affirm the decision of the Staff Report and deny the CalAm Slant Well Project!

Best Regards,

Steve and Liz Barnett
244 9th St., Marina



Sent from my iPad

Luster, Tom@Coastal

From: Leslie Asher <LeslieAsher@outlook.com>
Sent: Saturday, August 29, 2020 3:53 PM
To: CalAmMonterey@coastal
Subject: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit

Hello, California Coastal Commissioners:



My name is Leslie Asher. I am a retired teacher and Marina resident. I know our city and others need more fresh water. Though desalination could help, California American Water's plant would:

- be partly built at a beach site where a sand mining plant will be removed
- not draw water directly from the ocean
- instead draw water from aquifers beneath Marina that are currently our only source
- not return to Marina any improved water, or payment
- incur a cost your staff estimates to be 2 to 3 times greater than that of an alternative project
- and increase water costs to customers in nearby cities who already pay among the highest rates

So please deny a permit for CalAm's plant.

Sincerely,

(Mr.) **Leslie Asher**
2753 Sea Glass Ave.
Marina, CA 93933

LeslieAsher@Outlook.com
+1 (530) 386-4451

Luster, Tom@Coastal

From: Scott Cashen <scottcashen@gmail.com>
Sent: Saturday, August 29, 2020 12:05 PM
To: CalAmMonterey@coastal
Subject: Public Comment on September 2020 Agenda Item undefined 4a - Application No. 9-19-0918 (California American Water Co., Seaside, Monterey Co.)

The HMMP (p. 12-1) cites six biological resource documents prepared by AECOM:

AECOM 2017. Biological Resources and Potential Environmentally Sensitive Habitat Areas in the City of Marina Coastal Zone for California American Water Monterey Peninsula Water Supply Project.

AECOM 2018. California American Water Monterey Peninsula Water Supply Project, U.S. Fish and Wildlife Service Biological Assessment. Prepared for Monterey Bay National Marine Sanctuary. June 2018.

AECOM 2019c. Survey Results for the CEMEX Lapis Plant Northern Area. September 2019. AECOM Technical Memorandum (\\Oakland\Oakland\Projects\Legacy\IE\CAW_Desal_26818629\7000 Permits\7400 State Permits\7420 CDFG Section 1602 LSAA\Bio Report_Updated Bio TM January 2020)

AECOM 2019d. California Red Legged Frog Survey Report for California American Water Monterey Peninsula Water Supply Project. February 2019.

AECOM 2019e. Western Burrowing Owl and Loggerhead Shrike Survey Results for California American Water Monterey Peninsula Water Supply Project. January 2019.

AECOM 2020. Monterey Peninsula Water Supply Project Biological Resources Technical Memorandum. January 2020.

In addition, the HMMP (p. 3-8) references a Biological Opinion from the U.S. Fish and Wildlife Service. Does the Commission have these documents? If yes, can you please send me a copies?

Thank you,

Scott Cashen, M.S.
Senior Wildlife Ecologist
3264 Hudson Ave.
Walnut Creek, CA 94597
Office: (925) 256-9185
Cell: (510) 517-0100
scottcashen@gmail.com

Luster, Tom@Coastal

From: Robert Evans <bobevans13@me.com>
Sent: Friday, August 28, 2020 5:09 PM
To: CalAmMonterey@coastal
Subject: RE: Th3a & 4a - Appeal No. A-3-MRA-19-0034

8/28/20

TO: California Coastal Commission

RE: Th3a & 4a - Appeal No. A-3-MRA-19-0034

First, desal is an environmental disaster in the making. Desal requires huge amounts of energy which requires burning fossil fuels that contribute to the on-going climate change, which in turn contributes to sea level rise that will reduce the lifespan of the proposed supposedly wonderful slant wells, a technology not used anywhere else in the U.S.

Second the test slant well has proved that it does not draw pure seawater. Rather slant wells will draw water from multiple jurisdictions most of whom Cal Am does not serve. Just as Cal Am is over drafting the Carmel River, the slant wells will be drawing water from sources Cal Am does not have rights to.

The energy efficient (they use land fill gas to generate electricity), resource sustainable, Pure Water Monterey's expansion has been shown that it will provide both enough potable water, so that Cal Am can stop over drafting the Carmel River and PWM will provide water for anticipated growth.

We urge that you deny both the De Novo Permit and the Regular Permit. It is time for Cal Am concentrate its efforts on system maintenance.

Thank you!

Robert Evans

Roberta Myers

781 Terry Street

Monterey, CA 93940

831-595-5351

Luster, Tom@Coastal

From: Carol Setinek <carolsetinek@gmail.com>
Sent: Wednesday, September 02, 2020 9:39 AM
To: CalAmMonterey@coastal
Subject: Comment re Sept. 17th CCC meeting

Please deny Cal Am permission to build its troubled slant well desalination project. The majority of our community and elected leaders do NOT support this project. We have a less expensive, less invasive solution in the Pure Water Monterey expansion.

Our region should not be forced into Cal Am's expensive desal, especially not while a pandemic is clobbering our economy. Building it would double our ratepayer's water bills at a time we can least afford it, as well as slowing our economic recovery.

We know Cal Am promotes its desal because it **earns a 9.2% rate of return on its capital investments**. If Cal Am buys water from the recycling project, the cost is passed through to customers with no profit going to Cal Am's corporate parent and shareholders.

Recycled water from the Pure Water Monterey Expansion can supply sufficient fresh water to our region for a generation. In the long term, we may need desal, but let's use the best design available then. Today's desals are expensive because pressures of more than 1,000 pounds per square inch must be generated to push the salty water through filters.

Livermore Lab researchers have recently developed a technique that lowers the cost of desalinating seawater. <https://www.llnl.gov/news/new-desalination-technique-uses-flow-through-electrodes-faster-desalination-and-lower-cost>

It uses new porous carbon materials, allowing saltwater to flow easily through electrodes, making it much more energy-efficient. Let's wait!

Not using Pure Water Monterey, the affordable solution the Monterey One Water Board has given us, would be just another Cal-Amity! Let's ditch divisive Cal Am, and our best regional water decisions will literally bubble up.

--

For every vision, there is an equal and opposite revision.

Luster, Tom@Coastal

From: Doane Hoag <doane@doanehoag.com>
Sent: Wednesday, September 02, 2020 7:23 AM
To: CalAmMonterey@coastal
Subject: Stop the CalAm desalination plant

CalAm is Still pushing their costly desalination plant on us, the customers, and it would be grossly at our expense in even more expensive water and probable environmental risk.

The Pure Water Monterey PWM system has now been proven to be a safe, economical, ready to run system that can meet our water needs NOW and into the future with out a risky and long wait for a desalination plant that will only benefit the goals of corporate profits. We cannot wait for a in proven, costly desalination plant and we don't need to, we have PWM in operation right now and it can be expanded in the future to meet our needs in a safe, economical way.

I urge you to reject their fear tactics and proven false claims.

Sincerely,

Doane Hoag in Carmel

Luster, Tom@Coastal

From: wayne kelly <surferwaynekelly@gmail.com>
Sent: Tuesday, September 01, 2020 10:47 PM
To: CalAmMonterey@coastal
Subject: DENY Cal Am and the Desal Project

Hello,

I am a lifelong Monterey resident, and have been following our water issues in the area for over 25 years.

I would like to make one thing clear. No one that I have talked to here wants this overpriced, environmentally damaging Desal plant proposed by Cal Am.

In fact, people are very passionate about blocking it from ever getting built.

Cal Am has been trying to mislead the public with false information, so please consider that if you receive ANY letters from the public on Cal Ams behalf. They have been asking people to write letters based on their deceptive propaganda. I will get back to this.

No citizen hearing actual facts would ever choose this Desal Plant over the Pure One Monterey project. Unless, of course they had a financial interest.

This community is very proud of the Pure One Monterey project, and we are looking forward to our future with them. They are doing a fantastic job, and Pure One Monterey brings a sense of pride to our community.

Cal Am has worked very hard to block Pure One Monterey and it's expansion at every step. The SOLE PURPOSE of Cal Am blocking it is so they can profit from this expensive Desal build, and charge ratepayers outrageous amounts of money for water.

Cal Am has been working diligently against concerned citizens, ratepayers and even our own Water District that they are supposed to be supporting.

This Desal Plant will be litigated heavily. They want to build it right in the middle of a sensitive coastal habitat. It also may very well affect the water quality in Marina as well.

Even without litigation, this proposed Desal Plant is well out of reach of the goal to satisfy the Carmel River Desist Order. It's way too late for the Desal Plant to be operational by the end of 2021.

This Desal Plant is also EXPERIMENTAL, it's never been done with slant wells in this manner, anywhere, ever. It is possible it may not even operate as planned.

There is no doubt that it will draw more salt water toward the basin, as that would be the goal.

That could possibly contaminate the Marina water supply further, and draw their cleaner water toward the coast. I am no scientist, but I believe science and logic when I hear it. Logically, it only makes sense to me.

Regardless, Cal Am has no right to take water from the Marina Basin, or draw water anywhere near it. It is not something that we need to experiment with. The City of Marina is fully prepared to litigate this with hard science.

Marina is miles away from Monterey, and there has not been much talk or consideration about the additional environmental damage done from digging more trenches for more piping. Especially near the coast and the proposed site.

There is so much wrong with this Desal project, I can't even cover everything here.

Through news and social media, Cal Am has been spreading lies/ deception about the need for a Desal Plant. As a lifelong citizen of this county, it is has been frustrating to see Cal Am mislead fellow citizens like that.

I would be happy to forward you some of their overtly misleading messages at your request, so you can make your own judgement. It should be illegal for a company to lie to the public like that.

We, the people are tired of Cal Am working against our better interests for profit. That is why the majority of ratepayers voted to buy out/ get rid of Cal Am.

Dave Stoldt, General Manager of the Monterey Water District thoroughly crunched our water numbers. Mr. Stoldt says Pure One Monterey can easily relieve our reliance of the Carmel River. I believe that to be accurate, as Mr. Stoldt has our best interest in mind.

The better plan is to expand Pure One Monterey, which will supply us with enough water for at least another 25 years.

In the future, Desal technology will inevitably improve, and become more affordable. There is also new technology coming forward that could potentially replace Desal. Choosing Pure One Monterey will leave us with better options for the future.

If Cal Am had our best interest in mind, they themselves would have been pursuing other options to relieve our reliance from the Carmel River. Doing things like blocking the Pure One Monterey Water expansion shows you their true colors.

It makes no sense, unless you have ulterior motives like profit in mind.

Without Pure One Monterey, there would be no backup plan. Cal Am has no other plan. It seems Pure One and the Monterey Water District may have "saved the day" for us. Kudos to them.

Please vote to DENY this unwanted Desal Plant. Our water district has a plan, and our best interest in mind. I am confident we are in good hands.

Thank you for your time!

Wayne Kelly

Luster, Tom@Coastal

From: Nancy Fortman <nancy.fortman@gmail.com>
Sent: Tuesday, September 01, 2020 8:53 PM
To: CalAmMonterey@coastal
Subject: Appeal No. A-3-MRA-19-0034; Deny CalAm Desalination Project Permit.

From: Nancy Fortman

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff:



My name is Nancy Fortman; I am a resident of Marina, CA. I have lived in Marina for 31 years. I am a retired school teacher. I taught in San Francisco and Menlo Park, but was not able to purchase a home on a private school teacher's salary in those areas. I was grateful to find an affordable home in Marina and more grateful once I retired and the commute was over! Marina qualifies as a disadvantaged community from the perspective of diverse census population, poverty levels, overburdening of regional projects of landfill and sewage plant and high regional affordable housing requirements. Permitting CalAm's projects once again subjects the citizens of Marina to yet more harmful projects of an illegal water grab that will negatively impact the sole source of water for Marina. This is a clear example of Environmental Injustice.

I ask that you consider Environmental Justice and the fact that there is a much better solution offered by the PWM Expansion Project when making permit decisions and deny CalAm permits to their proposed slant wells and desalination plant in Marina.

Signed,
Nancy Fortman

Luster, Tom@Coastal

From: John Adams <jadams257@gmail.com>
Sent: Tuesday, September 01, 2020 7:15 PM
To: CalAmMonterey@coastal
Subject: Appeal No. A-3-MRA-19-0034 Deny CalAm Desalination Project Permit

Dear California Coastal Commissioners, Executive Director John Ainsworth and staff:

Although I'm sympathetic to the need for new water sources in Monterey County, the people of Marina have made it clear that endangering their water resources is not an acceptable solution to solving the water problem. As a resident of Marina, I'm horrified to think that outside interests have a good chance of prevailing at our peril. You have the power to deny this permit and help us find a solution that does not harm the life and livelihoods of the citizens of Marina.

Sincerely,

John Adams
Marina, CA

Luster, Tom@Coastal

From: Lori Greene <lgreene0112@yahoo.com>
Sent: Tuesday, September 01, 2020 5:34 PM
To: CalAmMonterey@coastal
Subject: Appeal no A-3-MRA-19-0034 Deny CalAm Desalination Project Permit

Dear CA Coastal Commissioners, Executive Director John Ainsworth and staff,

Our names are Tom and Lori Greene
We moved to Marina three years ago

Owning a home in Marina is an answer to our dreams!

We love our city with its diversity, caring neighbors and beautiful beaches.

We are fearful of what Cal Am's project might do to our water quality as well as the future of our wonderful city!

Please do the right thing!
Please deny this harmful project!!!

Thank you,
Tom and Lori Greene

Sent from my iPhone

Luster, Tom@Coastal

From: waltbg@aol.com
Sent: Tuesday, September 01, 2020 5:16 PM
To: CalAmMonterey@coastal
Subject: denial of the expansion of pure water Monterey

Please deny the expansion of Pure Water and the cancellation of the CalAm desal project.

Not only the Monterey Peninsula but the whole of Monterey County needs a new supply of fresh water.

The source for Pure Water is waste water the majority of which has its origins as water pumped from the 400 ft aquifer of the Salinas Valley. (Ag drainage from tile and vegetable processing) I know, I was responsible for installing many of these systems.

Reliance on this source will contribute to the ongoing degradation of the Salinas aquifer from salt water pollution. At minimum any use of recycled water on this scale should be used to mitigate further pumping in the Salinas Valley. Once Monterey becomes reliant on this source Pure Water will go to any lengths to maintain it. CSIP was designed with well located in the intruded zone, why wouldn't Pure Water do the same? Would they have a choice in a drought year.

Salt water intrusion is literally at the city limits of Salinas.

Currently the solution for land owners south of Cooper Rd, (the boarder of CSIP) is to drill into the 800 ft aquifer. Without any other alternative, the City of Salinas is next in line for multiple 800 ft wells. The 800 ft aquifer is not well understood and may not present any long term solution for what is a major shortage of fresh usable water.

Desalination is the only really new water source. While it may not be economically feasible to use it for growing, it represents a much needed alternative for municipal use. Salinas, the city proper and all the surrounding developed area as well as the Monterey Peninsula will need an alternative to water pumped from the 400 ft aquifer. Public health issues will demand it in Salinas and Monterey is not assured that ag pumping hence drainage will not be restricted by the State Department of Water Resources due to the advancement of intrusion.

You should approve the desal project and start building the pipeline towards Castroville and Salinas, Pronto.

Walter Gibeau
65 La Rancheria
Carmel Valley, CA 93924
waltbg@aol.com

Luster, Tom@Coastal

From: drkrpelletier@aol.com
Sent: Tuesday, September 01, 2020 3:57 PM
To: CalAmMonterey@coastal
Cc: drkrpelletier@aol.com; denise.ffq@gmail.com; drkrpelletier@aol.com; eunhee.son@gmail.com; marilyn_bransford@yahoo.com; mbwykoff1@gmail.com; jlanodos@qnet.com; teresa@animalsinourhearts.com; kathrin.nikolussi@mac.com; eschaupp@hotmail.com; carmelofficesupply@gmail.com
Subject: Cal Am Desal Scam (1 Sept 2020)

Dear Coastal Commission Board ...

This letter is drawn from a Memorandum from Public Water Now. Since it covers all the vital points of the latest Cal Am's latest desal scam, I am sending it to you to state that I am in complete agreement with the PWN position:

- Cal Am's Desal project is not in the public interest
- No Affordable housing without affordable water. Cal Am's desal would double our water bills.
- We don't need Cal Am's oversized, over priced desal project to solve our future water supply needs.
 - Expansion of Pure Water Monterey provides a long-term sustainable water source that is capable of supporting affordable housing, economic recovery and protecting the Carmel River and the Seaside basin.
- Cal Am is the only obstacle to the expansion of Pure Water Monterey.
- Cal Am cannot be trusted.
- Pure Water Monterey Expansion is the feasible and environmentally preferable alternative
- Our new water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to restore the Carmel River and stop illegal withdrawals by December 2021. The environmental issues facing the Carmel River are resolved without Cal Am's desal.
- There is no water supply crisis.

Thank you for your time and consideration.

Dr Kenneth R Pelletier, PhD, MD
Clinical Professor of Medicine
26259 Hilltop Place, Carmel

Luster, Tom@Coastal

From: jettsystems@sbcglobal.net
Sent: Tuesday, September 01, 2020 1:37 PM
To: CalAmMonterey@coastal
Subject: Please deny a coastal development permit to California American Water

Dear Commissioners:

I urge you to stand by your staff's recommendation against the permit. Staff's report released August 25, 2020 reaffirms the position taken by the staff last year, arguing that the desal plant should be abandoned due to environmental concerns, especially considering that the less impactful expansion of Pure Water Monterey exists.

In the current era of heightened awareness about racial justice, a section of the report is particularly apropos to the Monterey Peninsula: "The community of Marina is already disproportionately burdened by many other industrial uses and would receive none of the project benefits. There is a long history of government institutions allowing unwanted industrial development to be concentrated in underserved communities of color without their consent."

CalAm will try to convince you that "a future without desal is, in essence, kicking the can down the road and increasing costs for customers in the long run" (Catherine Stedman, CalAm spokesperson).

The truth is that the Pure Water expansion will allow CalAm to cease its illegal water withdrawals from the Carmel River by December 2021.

Those of us CalAm ratepayers who live here do not need CalAm's oversized, over-priced, intrusive desal plant to solve our future water supply needs. We need to expand what is already built here and working just fine.

Thank you for supporting Staff's report.

Respectfully yours,

Jeana M. Jett

Monterey

831-655-0357

Luster, Tom@Coastal

From: Myrleen Fisher <myrfisher@comcast.net>
Sent: Tuesday, September 01, 2020 11:35 AM
To: CalAmMonterey@coastal
Subject: Deny Cal Am

Dear Commissioners,

Our future on the Monterey Peninsula desperately needs you to turn down Cal Am's proposed desal plant in favor of recycled water. Cal Am is similarly desperate to keep us under their giant thumb. We are their Cash Cow...their means of making stockholders happy.

If Cal Am is allowed to force their desal on our community, we will have:

- a bloated, hugely expensive and unnecessary desal plant;
- Marina suffering from the illegal drawing of their groundwater for desalination intake;
- degradation of the coastal environment and high energy expenditures.

We do NOT need their desal plant; desalination of seawater (not groundwater) will be needed some time in the future. It should be a public, regional effort. Enough drinking water is available to us for at least two decades by just expanding the currently operating recycling plant—Pure Water Monterey, a publicly-run facility—with no coastal impact, far less financial impact and nothing illegal.

But Cal Am will stop at nothing. Please help us.

Myrleen Fisher, RN, PHN
189 Hacienda Carmel
Carmel, CA 93923

Luster, Tom@Coastal

From: Anne Hess <annep Hess@sbcglobal.net>
Sent: Tuesday, September 01, 2020 11:28 AM
To: CalAmMonterey@coastal
Subject: Cal-Am's Desal Project

Dear Commissioners,

I support the Coastal Commission staff report's recommendations that the Pure Water Monterey Expansion is the feasible and environmentally preferable alternative to Cal-Am's Project.

Cal-Am's Desal project is not in the public interest and would double our water bills for an over-sized, over priced environmentally harmful project.

The new water supply from Pure Water Monterey – Phase 1 (3,500 acre-feet) will allow us to restore the Carmel River and stop illegal withdrawals by December 2021. The environmental issues facing the Carmel River are resolved without Cal Am's desal.

Cal Am is the only obstacle to the expansion of Pure Water Monterey, which provides a long-term sustainable water source that is capable of supporting affordable housing, economic recovery and protecting the Carmel River and the Seaside basin.

Please deny Cal-Am's Project and support the Pure Water Monterey Expansion as the feasible and environmentally preferable alternative.

Thank you for your consideration.

Sincerely,

Anne Hess
88 Boronda Rd
Carmel Valley, CA 93924

Luster, Tom@Coastal

From: Renee Franken <rbfranken@aol.com>
Sent: Tuesday, September 01, 2020 11:32 AM
To: CalAmMonterey@coastal
Subject: Please oppose Cal Am's desal project

I would appreciate it if the following would be distributed to each member of the Coastal Commission and to all staff involved in this issue. Thanks.

Date: September 1, 2020

To: Coastal Commission Members and Staff

Re: Cal Am desal proposal – please oppose

Cal Am's proposal to build a behemoth of a desalinization plant is worse than a boondoggle. Cal Am states that it is a sustainable project and that it is the only adequate source of water for the Monterey Peninsula. In fact, it is neither. The Pure Water Monterey project, which uses reclaimed water, treats it by four separate, state of the art filtration systems – and then injects it in the ground water supply – is the sustainable, adequate, and affordable way to address the Monterey Peninsula's water needs. What does Cal Am do about Pure Water Monterey? It refuses to enter into a contract to buy this water – water which is ever so much cheaper than what Cal Am would produce if the desalinization plant were built. Fact is, Cal Am makes money on the development of a desal plant. It makes more money the bigger and more expensive that plant is. They have designed a plant that is not needed. For reasons both of cost and the environment, the desal plant should not go forward.

For many years I worked at the chief staff for a California Assembly Committee where, among other things, it was my job to evaluate the proposals and positions various groups took on legislation. I checked everything and everyone. I soon learned who could be trusted with not bending the truth or providing self-serving arguments while omitting the facts that countered their positions. It is partly for this reason that I am amazed that Cal Am has any credibility with public agencies. Cal Am continues to present arguments that have been shown to be untrue. They make claims they cannot back up. They are under a cease and desist order that they ignore and get delays for compliance, time after time. They cannot be trusted.

In their most recent letter to rate-payers, asking them to support Cal Am's position on the desal plant, Cal Am argues that the desal plant is the only viable option to supply the Peninsula with water. It has been proven over and over again that this is not true. Various studies have shown that the Pure Water Monterey expansion program will provide adequate water to the Peninsula to meet its needs long into the future.

In the same letter, Cal Am lauds the rate payers for being a leader in conservation – conservation that Cal Am chose to punish us for by asking for increases in water bills to compensate them for our lower water usage.

Basically, Cal Am's desal proposal is in the interest of Cal Am – not in the public interest. The Pure Water Monterey project will deliver adequate water to the Peninsula at 1/6 the cost of the desal plant. But Cal Am will not make money on this project as it would on the \$1.2 estimated desal plant!

I spent most of my career working on affordable housing. I know how hard it is to get affordable housing accepted in communities and built. Cal Am's argument that it favors affordable housing, and that the desal plant is the way to achieve affordable housing is so far off the mark it is laughable.

- Cal Am would have you believe that there is a water crisis on the Peninsula. There is not. The Pure Water Monterey expansion project is the only viable and affordable proposal for the rate payers of the Peninsula.
- Cal Am would have you believe that the desal plant is the only way to resolve the cease and desist orders facing Cal Am for taking water from the Carmel River and the Seaside Basin that it should not have taken. It is not. Pure Water Monterey will, by December of 2021, provide enough water so that Cal Am will not need to take excess water from the Carmel River and Seaside Basin. All Cal Am needs to do is to agree to purchase the water. The desal plant, if approved, would not be on line for years, delaying Cal Am's ability to meet the terms of the cease and desist order – yet again.

Please do not saddle Monterey Peninsula rate payers with a desal plant that is not needed and will double our water bills. We already pay the highest costs for water in the country. Your staff has analyzed the situation well. I support that analysis. Please put an end to this desal proposal once and for all.

Thank you very much for your consideration.

Sincerely,

Renee Franken

Jane Haines

601 OCEAN VIEW BOULEVARD, APT. 1 PACIFIC GROVE CA 93950

janehaines80@gmail.com

Tel 831 375 5913

Re: Appeal no. A-3-MRA-19-0034

Hearing: September 17, 2020

September 1, 2020

Dear Coastal Commissioners,

I am writing in support of staff's recommendation for denial of a permit for Cal Am's slant well because Pure Water Monterey Expansion is a feasible alternative that would avoid harming Environmentally Sensitive Habitat Area (ESHA).

Because I live in the coastal zone in Pacific Grove, I'm aware of the importance of protecting ESHA, whether located in Marina or in Pacific Grove. Pages 35 and 36 of the staff report explain that the site of Cal Am's well, at the CEMEX site, contains the federally-threatened Monterey spineflower, the federally-endangered Smith's blue butterfly, and the threatened Snowy Plover.

Please enforce Coastal Act policy to protect ESHA by denying Cal Am's application and support instead the Pure Water Monterey Expansion.

Respectfully,



RECEIVED

SEP 01 2020

CALIFORNIA
COASTAL COMMISSION

Virgil M. Piper
3010 Eddy St., Marina, CA. 93933
(831) 384-9595 (fax 384-6059)

August 26, 2020

California Coastal Commission
455 Market St., Suite 300
San Francisco, CA 94105

Re: Special Meeting Notice: September 17, 2020

Mr. Chairman and Members of the California Coastal Commission,

If it is your plan to delay any sort of decision with respect to CalAm's Slant Well boondoggle, then it appears you are succeeding! If, sometime in the future, you folks decide to solve this Desal issue – why not seriously consider and help the two DeSal operations in Moss Landing: Deep Water DeSal and/or The Peoples' Desal Project who offer water at rates well below CalAm's proposal.

Problems with the Slant Well technique:

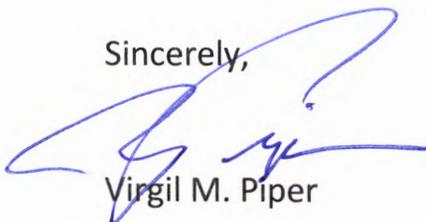
1. **Riparian Rights:** The natural flow of affected water aquifers are not within the boundaries of Cal Am's legal access. Subsequent attempts by Cal Am to access this water will lead to litigation, more delays, and massive legal expenses.
2. **Salt Water Intrusion:** Cal Am performed a modest test with a single slant well and located several monitoring wells to determine if their technique would draw water from existing aquifers – the result was that some of the monitoring wells did experience a drop in the water level.
3. **Cost of Cal Am's Slant Well project is excessive!** In 2011 the Ratepayer Advocates (a subsidiary of the CPUC) had estimated the cost of this Slant Well technique at between \$7,000 and \$7,900 per acre foot.
4. **Conflict of Interest . . .** A Public Utility, like California-American Water Co (Cal-Am), is a legal monopoly created, supposedly, for the public benefit. California, in an effort to restrict a public utility from excessive fees, rate increases or other potential abuses to their customer base, created the CPUC as an advocate for the rate payer.

I have to ask: "Since the CPUC is the "Lead Agent" for this EIR, **Who remainsto speak for the rate payer here? & Why is this not a conflict of interest?!**"

5. **Possible Conflict of Interest:** To Mr. Paul E. Michel I confess I did not know that NEPA (Monterey Bay National Marine Sanctuary) was acting as a lead agent – silly me. I congratulate Cal-Am. If I wanted to insure my EIR passed with flying colors, I would procure you as one of my lead agents.

For your perusal (if you are interested) – I am enclosing two letters sent on earlier dates – one to CPUC Rate Payers Advocates (May 18, 2015) and one to CA Coastal Commission (Santa Cruz June 2, 2019)

Sincerely,



Virgil M. Piper