

CALIFORNIA COASTAL COMMISSION

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Th3a & 4a

A-3-MRA-19-0034 / 9-19-0918

September 17, 2020

EX PARTE FORMS

UPDATED SEPTEMBER 11, 2020

EX PARTE COMMUNICATION DISCLOSURE FORM

RECEIVED

SEP 10 2020

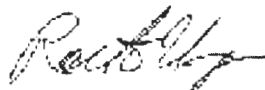
Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: A-3-MRA-19-0034 & 9-19-0918 (Cal-Am Monterey Peninsula Water Supply Project)
- 2) Date and time of receipt of communication: Sept. 2, 2020 at 1:00pm
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Alison MacLeod
- 5) Identity of person(s) on whose behalf communication was made: City of Marina
- 6) Identity of persons(s) receiving communication: Roberto Uranga
- 7) Identity of all person(s) present during the communication: Mayor Bruce Delgado, Skip Spaulding, Layne Long

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a briefing with the City of Marina, California. They highlighted the long history of unwanted industrial uses in the City, and the large minority population that receives the impacts of said developments. They also highlighted the staff report which states that this particular vote is the most significant Environmental justice issue before the Coastal Commission. They also gave background on the vernal ponds wetlands areas that would be defined as ESHA.

09/08/2020



Date

Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

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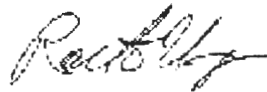
- 1) Name or description of project: A-3-MRA-19-0034 & 9-19-0918 (Cal-Am Monterey Peninsula Water Supply Project)
- 2) Date and time of receipt of communication: Sept. 8, 2020 at 1:30 pm
- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Alison MacLeod
- 5) Identity of person(s) on whose behalf communication was made: City of Marina
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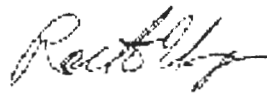
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- 3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Charles Watson
- 5) Identity of person(s) on whose behalf communication was made: Marina Coast Water District
- 6) Identity of persons(s) receiving communication: Roberto Uranga
- 7) Identity of all person(s) present during the communication: Keith Van Der Maaten, Howard Wilkins, Ruth Stoner Muezzin, Tom Moore, Sara Wan, Celina Luna

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a briefing on behalf of the Marina Coast Water District who fully support the staff's recommendation. They believe that this project is a significant vote with regards to environmental justice and discriminatory land uses practices. They shared that the City of Marina has eight times the number of disadvantaged residents when compared to other areas of the greater Monterey peninsula.

09/08/2020



Date


Signature of Commissioner

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FW: Cal Am Desal plant in Marina**ExecutiveStaff@Coastal** <ExecutiveStaff@coastal.ca.gov>

Fri 9/11/2020 9:36 AM

To: Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>

 2 attachments (60 KB)

PWN - PWM X vs Desal_9.1.20.pdf; ATT00001.htm;

From: Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>**Sent:** Friday, September 11, 2020 9:05 AM**To:** ExecutiveStaff@Coastal <ExecutiveStaff@coastal.ca.gov>**Subject:** Fwd: Cal Am Desal plant in Marina

See below.

Mike Wilson P.E.
Commissioner

Sent from my iPad

Begin forwarded message:

From: Meighan O'Brien <meighanobrien@yahoo.com>**Date:** September 11, 2020 at 8:42:51 AM PDT**To:** "Wilson, Mike@Coastal" <mike.wilson@coastal.ca.gov>**Subject:** Cal Am Desal plant in Marina

Hello Mike,

I've been living in Monterey for two years, taking care of my now 98 year old Mama. I had lived here for 30 years prior to moving to Humboldt 15 years ago.

I'm writing to urge your no vote on the plan of Cal-Am to build a desal plant in Marina for the following reasons:

- 1). Economic Justice concerns- Marina already has several industrial businesses that serve the greater Monterey Peninsula area that cause one of many public nuisances. Marina has made its wishes known in many ways that they don't want this terrible plan by Cal-Am.
- 2). Environmentally, the plan is all wrong. First, it will devour most of the fresh water from the aquifer, thereby endangering Marina's drinking water. It will intrude upon an intact Snowy Plover protected zone and continue the saltwater intrusion that has been such a menace to that area.
- 3). Climate Change and Sea Level Rise will force the relocation of this very expensive infrastructure within 10-20? years - a waste of taxpayer dollars and the environmental integrity of the coastal zone where it will be built if approved.

4). The Monterey Regional Water Board has completed its feasibility study as part of the process to buy the water system currently owned by Cal-Am.....This is the time to support the public purchase of this most precious public trust resource, not to allow a huge project that is already obsolete in its design.....It may well turn out our region here will require a desal plant, but it's a much better idea to make it regional and a benefit directly to the residents rather than running for profit to out of town corporate coffers. The design of desal plants, as I'm sure you know, only continue to get better in terms of environmental and budgetary concerns.

I'm hoping you've already determined to vote no and that you're using your mighty persuasive skills to help persuade other members of the Commission, but just wanted to reach out in case you needed any nudging.

Many thanks for listening.

I watched a fabulous citizen presentation last evening- many many residents are organized and realize the unnecessarily destructive effects of this plan. I'm attaching a fact sheet from Public Water Now- you may have seen it but if you find it useful, I'd appreciate your sharing with other Commissioners.

I'm so glad you are serving on the Commission and hope your environmental values are able to find fertile ground there.

Thank you-
Meighan O'Brien

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.

Public Water Now Letter Opposing Cal Am Desal

MWChrislock <mwchrislock@redshift.com>

Thu 9/10/2020 2:39 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



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 ARWBA	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 ARWBA	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



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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.