

8.9 Draft EIR/EIS Public Meeting Verbal Comments

Public Meeting Verbal Comments Transcript
Responses to Public Meeting Verbal Comments

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8.9.1 Public Meeting Verbal Comments Transcript

CAL AM MONTEREY PENINSULA
WATER SUPPLY PROJECT A.12-04-019
SUNSET COMMUNITY CENTER, CARPENTER HALL
CARMEL-BY-THE-SEA, CALIFORNIA
FEBRUARY 16, 2017, 4:00 P.M.

TRANSCRIPT OF PUBLIC COMMENTS

SPEAKERS

Gary Cursio

Margaret Ann Coppernoll

John Tilley

Elisabeth Billingsley

Harvey Biala

Kathy Biala

Hebard Olsen

Tom McMahon

Peter Mounteer

Brian Leneve

Rene Poskoff

Jody Hansen

Michael Baer

Jan Shriner

Herbert Cortez

Julie Hofmann

George Riley

PUBLIC COMMENTS:

(Time noted: 4:22 p.m.)

GARY CURSIO: My name is Gary Cursio, and I am here representing the Coalition of Peninsula Businesses as well as the Monterey County Hospitality Association. I would like to thank the Commission for all they have done along the process, keeping us moving forward, helping us get an extension to the CDO, speaking on our behalf. It is all very much appreciated and noted. Thank you for that.

The Monterey County Hospitality Association is made up of 250 members and over 25,000 hospitality employees, and we are their trade association.

The reason all of us fought so hard to extend the CDO was to allow time for this EIR process to run its course and conclude. The EIR findings, which are largely the same as the DEIR released in 2015, show that this project, which is made up of 6.4 million gallons per day, along with the groundwater recharge project, to be environmentally sensitive and feasible. Therefore, the Coalition of Peninsula Businesses and the Monterey County Hospitality Association ask that you please move forward with approvals so that we can solve our water supply shortage and stay within the new deadlines set by the CDO.

Thank you.

CHARLES GARDNER: Thank you. Okay. Margaret Ann is next, followed by John Tilley, and then Elizabeth Billingsley.

MARGARET ANN COPPERNOLL: Wow. Quite an introduction.

Good afternoon, and thank you so much for inviting us to come here today. My name is Margaret Ann Coppernoll. I'm a Marina resident.

I'm here today to plead with the CPUC to deny the certification of the MPWSP and to deny approval of this Draft EIR. The reason is that this desal project is infeasible and irreparable harm is being done and will be done. Cal Am has no groundwater rights, making its project, from the start, infeasible. None of the arguments presented qualify Cal Am with groundwater rights. Those water rights belong to the jurisdiction that has lead responsibility. That jurisdiction is Marina Coast Water District, a publicly-owned water purveyor that has a decades-long golden track record of providing fresh potable water to its customers at affordable prices and rewards them with incentives for their water conservation efforts.

Cal Am has inserted its test slant well into Marina Coast Water District's freshwater aquifer, the perched dune sand aquifer. This aquifer provides a natural barrier against seawater intrusion. As science shows, overpumping causes seawater intrusion. The DEIR report states that Cal Am is currently drawing from this aquifer, not the subsurface out in the ocean as the project design depicted. The EIR tells us that the desal project intends to continue drawing from the dune sand aquifer once its other nine slant wells are constructed.

Transcript-1
(Cursio)

Transcript-2
(Coppernoll)

This project is in violation of the City of Marina's Coastal Land Use Plan, as the DEIR points out. The project is in violation of the CEQA Chapter 9.2 requirement to prove it will do no irreparable harm. It's already doing irreparable harm by taking water that it has no right to take and diminishing Marina's water supply.

The dune sand aquifer is a perched freshwater aquifer that naturally prevents saltwater intrusion. Field research studies have scientifically demonstrated through electrical resistivity tomography, or ERT, that freshwater exists along with saltwater-intruded water in the various geologic, stratigraphic layers of the subsurface areas of the Salinas Valley groundwater basin aquifers.

Marina Coast Water has done a first-class job in restoring fresh water through sustainable groundwater management plans and programs. Per the report, the desal project is undermining those efforts by pumping 2,100 gallons of water per minute out of the dune sand aquifer, water that ends up back in the bay. This squandering action is unlawful.

The project's goal to construct pipelines that will extract Salinas Valley groundwater basin water out of its jurisdiction and transport it to another area is also unlawful. Providing another water source to the Peninsula is an honorable objective, but it is not honorable to usurp another jurisdiction's water rights in the process.

I plead with you to be fair, to do the morally right thing, to protect Marina's lawful groundwater jurisdiction from this invasion into its water supply system. Please, please deny certification and approval until authentic scientific data can be obtained and any irreparable harm to Marina's water supply system could be averted.

The United Nations has declared water to be a basic human right. California supports this policy that every human being has a basic right to affordable water for drinking, sanitary, and cooking needs. Water is God's gift to mankind and should not be viewed as a for-profit commodity for investors.

Thank you, and God bless all of you and our communities.

CHARLES GARDNER: So John Tilley, followed by Elizabeth Billingsley, and Harvey Biala.

JOHN TILLEY: Hello. My name is John Tilley. I'm with the Peninsula Coalition of Businesses also, and I'm also involved with the Monterey Commercial Property Owners Association.

I'm really pleased about the EIR coming through to see that this progress has been made. It's very important to know that the projects that are in place have been blessed in this manner. I was very thrilled to see the portfolio of water projects that were part of our application are being well-viewed and that the CDO was extended. And thank you very much for any help you offered in that regard.

I have two main reasons why I'm very supportive of this proposed water project. One is this thing about the community, which means the people that are employed where Cal Am



Transcript-2
(Coppernoll)
cont.

Transcript-3
(Tilley)

serves. And when I see the number of people coming to this Peninsula every day to work and I think about what would happen if the water supply project was not available, it really concerns me that so many lives would be affected in such a negative way.

Another way I think about this as a very, very positive step forward is as an environmentalist, which I am deeply involved with the environmental projects in the area and very supportive of the health of the Carmel River. The idea that we can limit the amount of the water coming off the river through these projects thrills me. The fact that we can restore the natural course of the river, the volume of water there, the habitat for the many animals that survive there is such a great thing to have. We're blessed in this area with abundant, natural beauty, and I am really thankful that these projects are in place to protect our environment and also to protect our community.

Thank you very much.

CHARLES GARDNER: Thank you.

Okay. Elizabeth Billingsley, Harvey Biala followed by Kathy Biala.

ELIZABETH BILLINGSLEY: Hello, everybody. I'm Elizabeth Billingsley, a Peninsula resident for 55 years, but now I'm upset about this EIR. How could the California Public Utilities Commission listen to all of Cal Am's sob stories about the current plight of no water when they did nothing to responsibly renew their own water sources? Now you will allow them to destroy Marina Coast Water District's only water source that 33,000 people are dependent on? Really?

In your environmental review there is no mention about the Salinas Valley groundwater basin needs for our people. We have more undeveloped land than anybody here in the Peninsula, and Cal Am just takes -- talks about the Peninsula needs. Does Cal Am care if we cannot meet our own future water needs and we do not [sic] have the legal rights to this water?

Cal Am has no right to our water, period. You will end up having yet another destroyed water source left by Cal Am if you allow them to take our water illegally. Add us to the Cal Am's list of Carmel River and Seaside groundwater basin of destroyed water resources that Cal Am has brought upon their ratepayers. Marina says "No" to Cal Am.

Thank you.

CHARLES GARDNER: Thank you very much.

So Harvey Biala, Kathy Biala, and then Hebard Olsen.

HARVEY BIALA: My name is Harvey Biala, and I'm a resident of Marina.

Cal Am describes a proposed project as an ocean intake system with subsurface slant wells extending offshore, leading us to believe Cal Am will be taking ocean water for the desalination

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Transcript-3
(Tilley)
cont.

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Transcript-4
(Billingsley)

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Transcript-5
(H. Biala)

project. There is a diagram explained at public meetings, and it seems to depict this and imply that the slant wells will be pumping water safely out from under the ocean floor. This is completely misleading and we are outraged that this is put before the public in this deceptive manner.

In the DEIR there is a diagram that clearly shows the slant well is in the 180-foot aquifer. How dare Cal Am suggest otherwise. Our aquifers are connected to the ocean across the entire region. Cal Am cannot illegally take 27,000 acre feet per year from our water sources and claim no harm will be done to an already over-drafted and fragile groundwater system.

By the way, Marina Coast Water District is currently managing 4,000 acre feet per year, which is one-seventh of what the Cal Am project is proposing to be pumping.

Cal Am has not bothered to understand Marina and Ord communities' future needs for our water. The DEIR lists pages of the Peninsula's needs for single-family affordable housing and commercial needs, but there is absolutely no mention of what we are struggling with to accommodate our future growth and water needs in Marina. We have a university expecting to grow to 12,000 students. We have, as yet, an unopened flagship medical veterans facility. We have commitments to build in excess of 2,000 more homes and so much more. And we are wondering how to provide water for all this development without the water grab from Cal Am. Where is this considered in the DEIR? Why does Cal Am's Peninsula needs -- why does Cal Am's Peninsula needs take precedence over ours when we have water rights and they do not?

This is truly an example of environmental injustice in which a powerful and predatory mega-corporation is allowed to dominate a small, economically challenged, and diverse community to meet the needs of a wealthier, more politically influential population.

Thank you.

CHARLES GARDNER: Kathy Biala, Hebard Olsen, and then Tom McMahon.

KATHY BIALA: My name is Kathy Biala, and I'm a resident of Marina.

First, I want to stress that Cal Am has no legal water rights in the Salinas Valley groundwater basin. The issue of groundwater rights must be determined before any further project approvals.

Secondly, because this specific type of slant well technology is experimental, a high level of scientific scrutiny is required. But basic scientific methodology has been breached in the Cal Am project. Among these are:

Cal Am's assumption that the 180-foot aquifer contains only unusable brackish water is a falsehood on two counts. Brackish water is valuable in a desalination process because it contains a portion of fresh water by definition and, hence, has great value to the local water purveyor, Marina Coast Water District.



Transcript-5
(H. Biala)
cont.

Transcript-6
(K. Biala)

Further, an MCWD hydrogeologist has discovered a perched fresh water aquifer on the Armstrong property not addressed in Cal Am's assertion of no harm. How can Cal Am's model predict no harm to our basin without an accurate baseline of where the freshwater is?

Cal Am has shown a complete disregard for the electrical resistivity tomography, the ERT for shorthand, that can image very large portions of the groundwater basin up to depths below the 900-foot aquifer in a 3D mapping. By contrast, Cal Am, who knew about the ERT at least two years ago, is obtaining data from only nine vertical monitoring wells, builds a model from this limited data, and then claims no harm to our basin.

The test well study has not been completed, and yet still this DEIR is to be approved? This is very absurd. Any Cal Am claims of no harm are mere conjecture at this point until the test is completed.

Large numbers of pumping stoppages have occurred with significant lapses in data collection, and yet no questions have been raised as to whether this is a valid study under such conditions.

Two major data variances in the test slant well have already occurred. One, exceeding the acceptable water drawdown level of more than one foot that was later explained away by the impact of agricultural pumping; two, not reaching a projected salinity level of 96 percent in the threshold well, meaning that currently 93 percent salinity is 7 percent aquifer water being pumped.

This model is highly faulty as it did not factor in, before the testing began, the impacts of the agricultural pumping nor identify levels of uncertainty for unexpected results. This is shoddy science.

MCWD will initiate the ERT in May. If you approve this project without the benefits of an ERT study, you will likely face compelling legal challenges based on the facts revealed by the ERT. Do not approve this project until an ERT is completed and the data applied to the existing model. What is at stake is an entire regional water supply.

Thank you.

CHARLES GARDNER: Thank you.

Hebard Olsen, then Tom McMahon, and then Peter Munteer.

HEBARD OLSEN: I'm Hebard Olsen and I live in Monterey.

And since Cal Am does not have rights to the water that they are putting in the system, I'm going to be turning the tap on and getting stolen water.

Now the question is how can I cure that problem? That's getting rather difficult. When they did their test well, they had water drawn from a mile or so away from the well on the land.



Transcript-6
(K. Biala)
cont.

Transcript-7
(Olsen)

I would like to not have the project approved until they can serve me water that they actually own, not water that they have stolen from Marina and whoever else is out in that area.

Second, I would like to know if they have got in their budget sufficient money to pay for the damage to Marina after they get -- run their well for a while.

It seems to me that the original EIR should not be approved and that one of the alternatives that takes water from Moss Landing should be the one that's considered, not any of the ones that take water from Marina.

CHARLES GARDNER: Thank you. Tom McMahon, Peter Munteer, and then Brian Leneve.

TOM McMAHON: Good afternoon. My name is Tom McMahon. I am with the Pacific Grove Downtown Business Improvement District. I'm also a Pacific Grove representative with the Coalition of Peninsula Businesses, and I'm the owner and general manager of Monterey Bay Laundry.

I don't want to come here tonight and speak about hypotheticals. I want to speak about the reality of what we face in the business community and as a resident on the Monterey Peninsula. It was no more than about 90 days ago that we were facing the termination or the effective date of the CDO which threatened to completely shut off -- or virtually completely shut off the water supply to the Monterey Peninsula. Now, I think we all sat at that time and said, "Well, it's unlikely. I don't think they are going to do that." And we hoped and worked very hard in order to get that CDO date pushed out, and we were effective in doing that.

But, in the meantime, it's important for people to realize that, particularly from the business community, if you look at the business community in Pacific Grove, we need investment. Our business community is anemic. We need investment. But we cannot get investment when we have a huge question mark associated with whether or not water is going to be available to these businesses.

At a very personal level, I can tell you that we shut down two operations -- two laundry operations, one in Pacific Grove and one in Monterey, due exclusively to the fact of the question mark associated with whether or not we were going to have water available. We were looking at the need to invest significantly in the business, and the question mark introduced too much of a risk for us to be able to make that investment, given the fact that we were unsure of what our water supply would be.

This is not hypothetical. This is happening now. There are businesses now that either cannot operate within our community or cannot invest in our community or can't perform what -- the duties or what they're attempting to do as a business because of that question mark with the water.

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Transcript-7
(Olsen)
cont.

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Transcript-8
(McMahon)

I really urge you to approve the EIR so we can solve our water supply issue and allow the community of Pacific Grove, Monterey, Carmel to be able to grow and thrive. Right now we can't do that.

↑ Transcript-8
(McMahon)
| cont.

Thank you.

CHARLES GARDNER: Thank you.

So we have Peter Munteer, Brian Leneve, and then Rene Poskoff.

PETER MOUNTEER: Good afternoon. My name is Peter Munteer. I am the marketing and events manager at the Pacific Grove Chamber of Commerce, and I'm here today on behalf of that organization and its membership.

We represent over 400 businesses and individuals, many of whom who have a strong interest and a sound water supply solution for the Monterey Peninsula area. We ask that you please move forward with approvals to the environmental impact report so that we can solve our water supply shortage and stay within the new deadlines set by the Cease and Desist Order.

The groundwater impacts are shown to be less than significant. The modeling has been peer-reviewed and undergone intense testing to confirm its accuracy. Subsurface intakes conform to state policy on desal plants. They avoid harm to the environment and they are a feasible technology, given the geology of the Cemex site. Solving this problem is of urgent importance to our community and health of the Carmel River.

Transcript-9
(Munteer)

The environmental impact report shows that the collaboration that has taken place between Cal Am, the cities, the Monterey Regional Water Pollution Control Agency, the Monterey Peninsula Water Management District, environmental groups, and other stakeholders has arrived at a suite of projects that provides a sustainable, reliable water supply and protects the water and river environment of the Monterey Peninsula.

Thank you.

CHARLES GARDNER: So Brian Leneve and then Rene Poskoff.

BRIAN LENEVE: Good evening. Thanks for this opportunity to talk. I don't have any prepared statements, so I may be stumbling through this a little bit.

I am Brian Leneve. I'm a resident of Carmel. I'm a ratepayer of Cal Am, and I'm also the president of the Carmel Steelhead Association, and I'm also an environmentalist.

I believe this is a good project. We have worked to support it since the beginning. Since 1995, steelhead in the Carmel River have been waiting for some sort of a break to get more water into the river. This is the closest they have come to it. Without this project, the steelhead will continue to suffer, they will continue to decline, and they become extinct.

Transcript-10
(Leneve)

As an environmentalist, I like the slant well intakes. I believe it's an environmentally superior way of taking water from the ocean. Two speakers from me talked about the hypothetical. There's a lot of people here from Marina tonight talking about hypothetically how this may affect the groundwater. In Marina, however, that's hypothetical. They don't want to listen to the studies or read the studies in the EIR. But we support this EIR. We believe it's a way forward for the environment and statistically the steelhead.

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Transcript-10
(Leneve)
cont.

Thank you.

CHARLES GARDNER: Rene Poskoff.

RENE POSKOFF: Good afternoon. I'm representing the Coalition of Peninsula Businesses as well as the Monterey County Hospitality Association and the 22,000 people that it employs. And the Coalition of Peninsula Businesses and MCHA have been working very diligently over the past -- I lost track of the number of years, as I'm sure maybe you have, on this project, but I won't repeat all the great reasons that already have been stated. But we're very much in support of it. We think it's needed, and we urge you to move forward.

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Transcript-11
(Poskoff)

Our community -- and when I say "community," I really talk about both. We're residents, all 22,000 people that work in the hospitality industry and our business people, but they are residents and business people. And we need this project. We urge you to move forward.

And the only other statement really I would make is that I know there's a lot of conversation about the cost of water, and we all understand that. But there's one thing which is scarier than expensive water, and that is not having water at all. Because without it, as an individual, as a resident, or a business, we can't -- we can't support our industry, and we need it. So we urge you to move forward.

Thank you for your time.

CHARLES GARDNER: Thank you. That's the conclusion of the list that I have. Is there anybody else who would like to provide comments who hasn't signed up already? Okay. Is there anyone who has additional -- has commented but they have additional comments?

HEBARD OLSEN: Yes, I do. Here.

CHARLES GARDNER: If you could just repeat your name for the court reporter, that would be great.

HEBARD OLSEN: I'm Hebard Olsen again. And I forgot to mention the fact that Marina's water is from a non- -- a temporary system. The Army, when they turned the system over, they determined that the system, the water source, is not -- should not be a permanent water source. So we have a problem that's brewing, and this Cal Am project will add to that problem and make its fruition more likely.

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Transcript-12
(Olsen)

Marina actually has some desalination and they might have to turn to totally desalinated water, moving an expense to them from our -- from the project of Cal Am. So that's not fair to them.

And, again, I said that I would be drawing on -- water that I'm getting from my tap would be stolen water, and how do I feel about that.

CHARLES GARDNER: Okay. Thank you. Anyone else have additional comments?

Okay. I think what we'll do is go off the record.

(Time noted: 4:44 p.m.)

(Time noted: 5:26 p.m.)

CHARLES GARDNER: Okay. So we have a couple of people who have come and want to provide comments, so we're going to go back on the record to receive those comments. We have Jody Hansen and then Michael Baer. So we've asked people to stick to three minutes, but there's only two of you, so -- but you might lose us after five or so.

So, Jody, would you like to provide some comments?

JODY HANSEN: Thank you. My name is Jody Hansen. I'm the president and CEO of the Monterey Peninsula Chamber of Commerce. I'm here this evening representing the Coalition of Monterey Peninsula Businesses as well as the Chamber.

We are in strong support of this project. It's very important for our community. You're going to hear from a lot of different groups today and many of them saying that this EIR has problems. And there's no such thing as a perfect EIR. And having been at the last CPUC meeting where we knew that it may not have been the last, but where we heard that the EIR was going to take longer, it's going to take an additional year, and the staff was talking about making it bulletproof, well, we know that this project is not perfect. And it can't be made bulletproof when we have a community that is always looking for the problems with projects.

Solving this problem is of urgent importance to our community and the Carmel River. We saw that taking the dam down has been a huge difference for the Carmel River, and we're looking at getting the desal project finished so that we can allow that river to become healthy again.

The EIR shows that the collaboration that has taken place between Cal Am, the cities, MRWPCA, MPWMC, environmental groups, and other stakeholders has arrived at a suite of projects, this portfolio of projects that provides a sustainable, reliable water supply and protects the river and the wider environment of the Monterey Peninsula.

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Transcript-12
(Olsen)
cont.

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Transcript-13
(Hansen)

We, as a coalition of Peninsula businesses, represent the business community that actually provides a lot of economic stability for this area, and without water we're in a world of hurt and we go into a real possible economic downfall again.

So I think this is where we have to look at ways to mitigate the EIR and be creative, if we need to be. The PUC has been extremely diligent and thorough in its study of the environmental impacts of the MPWSP. The end analysis is extremely important, which is demonstrated by its comprehensiveness and depth. We're glad to see this level of study, glad this milestone has been reached, and we're looking forward to a speedy decision on the project.

Thank you very much.

CHARLES GARDNER: Thank you. Michael?

MICHAEL BAER: Hello. I'm Michael Baer. I'm a resident of Monterey Peninsula and I'm a ratepayer.

The level of distrust, I want to just -- that's kind of the theme. Well, first of all, you've got five years of history, at least, with this project, 4,000 pages of a document, and I'm supposed to say something in three minutes. So the idea is to take one thread as an example and, you know, not try and cover everything.

But the theme is distrust both of Cal Am and the PUC. And we've been talking about this for years and people complain. And I think the poor turnout is reflective of people -- of the distrust, not of the lack of interest of what's been doing on. And there's been letters to the editor, you know, all the time for years.

So I want to take this slant well as the theme, the thread, for which I want to talk about why there's such distrust. In 2014, Cal Am told us that they would run a test slant well continuously for up to two years for a cost of about \$4,000,000. In the original Coastal Commission permit it said that they would decommission that slant well, cap it and bury it. And because it was identified as a temporary experimental test, the CEQA regulations were waived. Now it is designated as a back-up production well. So it's a way for them to get around some CEQA regulations back in 2014.

The costs have grown to over \$12,000,000 at the last count, and the last count was several months ago. That fact falls between the cracks. I just want to highlight that. Like when we come to a ratepayer argument, we can't really say, "Oh, by the way, you tripled the costs on the slant well." And here we are at the EIR. We can't really talk about costs. But we paid that \$12,000,000, which was originally slated at \$4,000,000, and I'm sure it will be higher before this is all done.



Transcript-13
(Hansen)
cont.



Transcript-14
(Baer)
cont.

It was supposed to be continuous tests up to 24 months. But in those 24 months there have been three major stoppages, one of 14 weeks, one of 8 weeks, and, most recently, one of three weeks, and more than a dozen other stoppages from a couple of hours to several days.

The State Water Resources Control Board, when they agreed to this, were under the impression this would be a subsurface intake system -- subocean intake system. But the current slant well does not draw water from beyond the mean high tide line. It draws it out from the aquifer. And even though the other production wells are described as extending beyond the high tide to some extent, it raises the question: What did this test well actually test if this slant well is not representative of the other ones?

In the Executive Summary there's been some omissions. The EIR skips over the fact that Dennis Williams had conflicts of interest. He was the hydrogeologist doing some of the modeling in the original EIR, and he has an international patent on slant wells. So he gains -- if this is successful, he stands to gain a tremendous amount of money from that, and yet he remains on the hydrological working group collecting all the data that's being used in the model, and there's questions about whether or not that is accurate which I won't go into here.

The other thing that was omitted was that the Marina City Council denied the CDB permit for the slant well, finding that the prepared negative declaration for that project was insufficient and that a full EIR should be required for that -- an EIR should be required for that test slant well, which was subsequently overruled by the Coastal Commission.

So you can kind of get this idea where this distrust comes from. We're told one thing in the beginning. It doesn't turn out that way.

And just -- finally, I would just say that we have a hard time believing, many of us, that the impact on the groundwater will be insignificant as this EIR states. I'm talking 25,000,000 gallons a day coming out of the 180-foot aquifer for 40 years. The modeling is very impressive. It's hard to understand as a layman. You know, you have to rely on the experts. But given the level of distrust, we don't believe this is -- I don't believe -- and there's many like me who don't believe this is a sustainable source water.

I guess that's all I have for today.

THE COURT: All right. Thank you, Mike.

Okay. Anybody else arrive? Okay. So we'll go off the record again. Thanks.

(Time noted: 5:35 p.m.)

(Time noted: 6:37 p.m.)

THE COURT: So we have three more people that have arrived that would like to provide comments. So we're going back on the record.



Transcript-14
(Baer)
cont.

In order, we have Jan Shriner, Herbert Cortez, Julie Hofmann. So we've been asking people to keep it to three minutes, but there's certainly more time if you need. You don't have to keep it to that. So if you want to start?

JAN SHRINER: Thank you. Thank you for the opportunity. I need to say that I am on the board of the Marina Coast Water District. It's a volunteer elected position, but today I'm here speaking as a resident of Marina, not in that official capacity and in no way authorized by the board. I sit on other boards and collaborative working groups, but none of them have authorized me to speak on their behalf. So it's Jan Shriner as a Marina resident.

Some of the things that -- I was just looking over this really briefly, skimming through. I'm glad in some ways to see that this schematic of 3-13 shows that these intake lines are not actually going offshore and under the bay. But I read in the text on page 3.8 that they are actually going offshore under the bay. So it's confusing there. They say, in the paper, 161 feet to 356 feet, except for Number 8. On the schematic Number 8 is not labeled, but none of them appear to be any different than one another.

One of our biggest concerns in Marina is our erosion rate. On this site it is found to be the highest erosion rate of the continent. We have a scientist locally who estimates that up until two years ago the erosion rate was 220,000 cubic feet per year. Now he estimates, it's been in the paper, it's either 350- or 380,000 cubic feet per year. The State Parks uses an erosion rate of something like 7 feet per year as far as how far it's moving away from the water. I know when you go to the site at Reservation Road you will see the parking lot falling into the bay. I know the Marina Coast Water District beach office is falling into the bay.

When I run out to this site, I can see the low spot is this landfill. There is kelp already around the road of the sediment ponds. So it's very concerning to me about erosion.

We love our publicly water -- publicly owned water in Marina. Our community water rates are the lowest in the region. We appreciate an accessible, transparent process in Marina. A lot of us participate. And in this case, for the EIR, the online link is extremely difficult to locate. Some of us are lucky enough to have picked up disks.

But assumptions for models that were undisclosed until Friday, February 10th, and I was able to kind of ask some scientists last night about it, some of them don't know their assumptions off the top of their head. When you come to a public workshop, I would like them to be able to rattle off: What are the erosion rates that went into the model? What are the historical pumping data that went into the model? They were only able to say, "Try Appendix E2," or, you know, "Try Appendix C1," things like this, kind of like vague. It's not accessible for the public, and maybe we expect too much.

Recently, the previous Thursday, one week before today, I went to a DOGGR presentation. It's California State Department of Conservation, Division of Oil Gas Geothermal Resources. The presentation was for an aquifer exemption of untreated wastewater injection into the

Transcript-15
(Shriner)

Lombardi and Aurignac sands of the Salinas Valley groundwater basin. The public were told not to worry, that we would never be using these aquifers, the future of the Salinas Valley groundwater basin is rosy, and the cite -- the cited examples included locating a desal project in Moss Landing.

This is a state organization. This is our aquifer. We need better communication among the agencies. I told them I wanted to be in the room when they informed Cal Am that the desal project will be located in Moss Landing. Because this whole Draft EIR appears to me to be in Marina with an alternative explored, brusky, at Potrero Road and two or three other options in Moss Landing. The decision has not yet been made, but I would prefer to see it moved at least to Potrero Road, but then there is the problem with the groundwater rights, right? That's the first reason why it got located here, supposedly so slant wells could take seawater, but these intakes do not go offshore, not according to this schematic.

So please work on your process. Of course, we'll be reading some more of these things. And I appreciate the time that you gave us, or three minutes, to be here today.

CHARLES GARDNER: Thank you, Jan.

Herbert, are you ready? And then, Julie, you're up next.

HERBERT CORTEZ: So I would like the following concerns to be added to the record.

Before I begin, I do want to mention about the current violation that I see with the CPUC and this public hearing. It's violation of Resolution ALJ 252. According to the rules, the public should have had a chance to sign up to speak before 10:00 a.m., and that was not the case. I have documentation and screenshots about 8:30 in the morning trying to sign up for the public hearing. This is an official CPUC hearing, is my understanding, and so the rules should have been applied to this hearing. So I will present that at the end of my discussion.

So to begin with, I do want to say that the current draft environmental impact report, I want to address what Cal Am has said in the past three public hearings about super-positioning modeling. That's what it is, it's modeling. This super-position modeling which they speak of so highly does not address the deep aquifer of Marina Coast Water District.

And before I continue with this statement, I must say that I'm also a Marina Coast Water District board member. I do not speak on their behalf. I'm speaking as a concerned resident of Marina and Monterey County in that they did not authorize me to make any of these statements.

But I do want to add that I find it very interesting that if you're going to address the super-position modeling of being able to see how much groundwater is taken and put back, that you cannot address the big -- the deep aquifer, which is 900 feet, and I think that's crucial to this discussion. So they want to show you the 180- and the 400-foot aquifer because they think, according to their terms, it's not water that's of beneficial use. But they don't show you and

Transcript-15
(Shriner)
cont.

Transcript-16
(Cortez)

they don't tell you scientifically -- and it's proven and cited -- that there's leakage from the 180, 400, and deep aquifer. So if you're super-positioning focus on the 180 and 400, it should include the deep aquifer which is 900 feet, and that's not addressed. So that's my first concern about the Draft EIR.

My second concern about the Draft EIR is that they don't focus on the Hopkins groundwater analysis that was done in 2015 that finds freshwater in the 180-foot aquifer. So the reason why that's important is because the case that Cal Am is making to the public is that this is water that's not of beneficial use. Well, of course, if the public keeps hearing, "well, this is not in use and someone is going to come and make it better," well, that's great. The problem is this is fresh water, and that fresh water is used to help us support saltwater intrusion.

Now, if they develop slant wells and they continue putting in slant wells, well, guess what? That's more saltwater intrusion. And if you aren't going to do that, then you should put in your Draft EIR that's how the Hopkins groundwater analysis is proven wrong, or there is no fresh water there, and their super-position modeling is not addressed. And I think that's really important.

Okay. My third point about the Draft EIR is the following. It goes back to this conversation and this image and perception to the public regarding beneficial use of this area. Now, my understanding is that you had in the morning -- not in the morning -- but early afternoon you had constituents from pro business in Monterey, and, of course, they want that water. But you know who else needs that water? The people who live in Marina, the growing population that's about to increase in the next 20 to 30 years, which is forecasted by Fort Ord, by the Marina Coast Water District, and the Monterey Regional Water Pollution Control.

So if the issue is that the water is not of beneficial use, why would there be a memorandum of understanding between these agencies -- a state agency, a county agency and a federal agency -- about the long-term use of this water? That's not addressed in this Draft EIR. And this is public documentation in which they can see the analysis of use of what's needed -- freshwater, groundwater, brackish water -- and it's not addressed in the EIR.

And so this image and perception that has gone on for the past two weeks and possibly more about the fact that this water is not of beneficial use needs to be stopped. It should be on the record that if they are going to keep saying that, they should document it and make sure that it's available for all eyes.

Now, my final thing that I want to say before I leave is I was really concerned about not being able to sign up in public. And the reason why is because I live in Marina, yet we're here in Carmel. The reason why I found out that this was happening, it wasn't because of Cal Am's great public push to have public participation, it was because I went to the Marina City Council, and the Marina City Council probably asked Cal Am to come and make a presentation.



Transcript-16
(Cortez)
cont.

So I'm here today to say that I really want this resolution that I think there's a violation of ALJ 252 to be corrected, because this is a long-term activist concern that I have, because this is just a draft. This is a long-term project for Cal Am. There will be more people like me speaking up. There will be more knowledgeable people understanding exactly what a Draft EIR is and what false perceptions are from Cal Am. So I would like that corrected.

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Transcript-16
(Cortez)
cont.

So with that said, thank you very much.

CHARLES GARDNER: Julie Hofmann.

JULIE HOFMANN: Julie Hofmann, a Marina resident.

I think secure water is a good thing. And I like parts of this DEIR, you know, as far as recovering wastewater and some of the other groundwater replenishment.

But I think that if anyone has looked at a map and seen all of these straws that are in the Salinas Valley water basin, you have an idea of how much there are impacts already to that water supply. And Marina sits on the very end of that water supply. And now we have a Draft EIR that really disregards Marina's role in being at the end of that waterline.

There's a big do-no-harm requirement in this Draft EIR as I have read it, and I have a problem with some of the data. I understand this is going to use millions of gallons of water. The way I first heard about this was going to be a desal project, but yet the closer I read the DEIR, I understand that quite a bit of groundwater will be taken up. This is the way slant wells work. It helps desal the water a little bit before it gets there.

I think that we need better information before we go wading into this project. Maybe slow this train wreck down a little and start considering how Marina will be impacted by this. It's really interesting to me that the second location on Potrero Road has more information in the DEIR about impacts to the Elkhorn slough than there are for Marina.

I think that the biggest problem that I have with the slant wells is there just isn't any slant wells with any sort of reliability or historical evidence as working with desal. There aren't any in California, there aren't any in the United States, and there aren't in the world that I can find that provide drinking water to a tap of a paying customer. So we need to really look at that before we start putting 10 slant wells into the end of the Marina aquifer.

I have heard about this ERT data, and it's sort of like a CAT scan for the groundwater. And rather than relying on data from small wells poked around and modeling from the data pulled from those different places and interpreting -- interpolating, as I understand it, the difference between this point and this point and kind of making up a number here, we could have a much better idea of what's actually going on in our groundwater.

And I do understand that Marina Coast Water is paying to have this done. And I think that the CPUC should delay this project until we can see that modeling and see that data, and

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Transcript-17
(Hofmann)

maybe Cal Am should use that data to give us a complete picture of the groundwater before we sallie forth. So we need the complete data.

I'm very worried about the mitigation to going into a project like this that's using so much of the groundwater and doesn't seem to have much data to really tell us what's going on with the water. And we need to be really sure before we go into this, because this is a long-term issue. We're at the end of the line. There is increased water needs everywhere along the Salinas Valley. We could end up with saltwater intrusion simply from that alone, without the slant wells at the end of the water line here.

So let's be sure about these slant wells. I just see high costs and failure to provide water in the long-term, and I see harm to the Marina aquifer with the information as it's been provided so far.

Thank you.

THE COURT: Thank you.

Is there anybody else who has arrived?

Okay. Let's go of on the record again and we'll see if anyone else arrives.

(Time noted: 6:49 p.m.)

(Time noted: 7:27 p.m.)

CHARLES GARDNER: So we will go back on the record to receive further comments.

If you could state your name.

GEORGE RILEY: Yes, I will. George Riley from Monterey. I've been active in water issues in Monterey for ten years, at least. I have no idea what was said tonight, but I'm going to guess that they were concerned about the lack of water rights in the project. I know this is supposed to be on the EIR, and I don't know everything that might be related to the EIR exactly, I'm sure they were concerned about the fact that the project is located within another public agency, the water district. And I worry about invasion, and without water rights and without being invited, that's become a real issue.

I do think that the PUC structure for the public participation hearings restricts the comments that are made to you and the information that you get. Those who are residents here and those who are ratepayers here get the whole picture. We get the silo that comes from San Clemente Dam. We get the silo that comes from returned water or -- I don't know. It's 15,070.19, I think, of the 38 or 39 million dollars of money that Cal Am gets. It's a decision made by the PUC that supports Cal Am and doesn't support the ratepayers. We get the different silos altogether here because we pay the bills.

Transcript-17
(Hofmann)
cont.

Transcript-18
(Riley)

But we think that the general approach to public participation hearings is that you create a silo that some of the stuff that's said here doesn't apply. You're talking about an EIR, we're talking about the cost on the ratepayers, and that doesn't apply, or another case that doesn't apply.

So the dilemma that I think the ratepayers here feel and the public comment that I'm suspecting that you heard tonight represents an impact on ratepayers that is presented to you in silos, to us in the composite, and that's the dilemma we have.

And I feel like two things that are still outstanding on the EIR process and the project in general is the lack of water rights and poor science. I am convinced that the feasibility analysis that's required by the state for the slant well idea is based on very skimpy science and that we would like to advocate a more serious approach, a more expansive approach to science which includes the ERT -- you know what I'm talking about -- process and that's outside the schedule.

So we're -- as ratepayers, I think we're going to be advocating two things: One, figure out what the schedule is on how to determine the water rights issue; and, second, to figure out where a better approach to science can apply to the whole evaluation of the approach. Side issues are going to be invading another jurisdiction, seawater intrusion in general, maybe a few more, but you get my gist.

And I probably have run out of three minutes. Thank you very much.

CHARLES GARDNER: You can continue.

GEORGE RILEY: I don't know that there's a whole lot more to be said. But I do think the main thing I want to say is ratepayers here, whether it's commercial or residential, we represent residential -- I mean, I'm speaking on behalf of residential victims -- that there's a general unfairness between the commercial rates and the ratepayer rates. The commercial rates have no financial incentive to save money anymore after they changed the rate structure for them.

It's our position that once they have reached a certain category of installation of water-saving devices, once they have reached this level of that, then they can use all the water they want and have no financial incentive to save water. Just the opposite applies to residential. Just the opposite. And so we think there's an unfairness there. But that doesn't apply to the EIR. That's the dilemma. That's an example of the dilemma that I think we face.

And we keep paying the bills. And Cal Am has had several projects that have gone nowhere, and they incur costs, and they go to the PUC, and the PUC approves. And every example of this over the past ten years has been that Cal Am can go to the PUC: We have a failed project, but we were conscientious about what we were trying to do, we were within the objectives of what we were trying to accomplish, we were trying to get there, but we failed. Sorry we didn't deliver something. And then what happens to the extended costs? They come

Transcript-18
(Riley)
cont.

to the ratepayers. Not once has the PUC decided that there's somebody sharing that cost beyond stockholders. Not once. So that's a real rub to the ratepayers.

The San Clemente Dam example. I know I'm way over the basic topic. I appreciate that you're not going to call three minutes. The San Clemente Dam is another example where the ALJ recommended in the proposed decision a certain level of reimbursement to Cal Am. The commissioner assigned to that project reversed -- absolutely, totally reversed that decision and even added to it the benefit to Cal Am. And even Cal Am was surprised at how generous the PUC decision was. And the ratepayers pay all that bill.

So even when Cal Am -- even when the PUC gets all the facts, hears all the information, takes into account all of the evidence that's been submitted, comes to a conclusion that Cal Am did not deserve but a certain amount, then the Commission -- and this is why the Commission is in our cross-hairs as well. I mean, Cal Am is a problem to us; the PUC is also similar in the cross-hairs. A single commissioner, relatively brand new, and subject to nine -- if my memory is right, there are about 14 or 15 ex parte meetings in that process -- nine of them, if I remember right, was with this one commissioner -- documented in the ex parte reports -- and this one commissioner turns around and says, "We will reverse the proposed PUC decision, reverse it." And even Cal Am was saying hallelujah. And the ratepayers pay for it.

I mean, so we suffer from decisions that you make, Cal Am proposes, and Cal Am consistently represents to the public that the PUC demands this, the PUC ordered us to do this.

We know the process. Cal Am goes to the PUC, they ask for this, you approve this, and then they came back and say, "The PUC orders us to do this." They do not take responsibility for their own role in it. I mean, we know this. I mean, this is what we're up against.

And we would just like you to hopefully consider a little more -- you have got a bad history as far as ratepayers are concerned locally in the past ten years -- I've only been active about ten years -- and I'm amazed at how many decisions and opportunities I have had to be critical of Cal Am or the PUC and what decisions they have made, but somewhere in there there's got to be some attention given to the ratepayers, and I think they have been ignored, and I don't even know how that applies to the EIR. But, anyway, thank you for the time.

(Time noted: 7:35 p.m.)



Transcript-18
(Riley)
cont.

CERTIFICATE OF COURT REPORTER

The foregoing public hearing was held before me, KELLI A. RINAUDO, Certified Shorthand Reporter, License No. 6411, RMR, CRR, CCRR, and RDR, for the State of California.

The public comments were taken by me in machine shorthand at the time and place therein named, and thereafter, under my direction transcribed into longhand.

I further certify that I am not of counsel or attorney for either or any of the parties to said hearing, nor in any way interested in the outcome of the cause named in said caption, and that I am not related to any party thereto.

Dated March 2, 2017.

KELLI A. RINAUDO, CSR NO. 6411

RMR, CRR, CCRR, RDR

8.9.1 Responses to Public Meeting Verbal Comments

The verbal comments from the public hearing on February 16, 2017 were transcribed. The numbering in the response to comments includes the commenter's last name in parenthesis.

Transcript-1

(Cursio) This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5.

Transcript-2

(Coppemoll) The CPUC's consideration of the EIR/EIS and the proposed project is described in EIR/EIS Section 1.5.4.1. Water rights, the feasibility of the proposed project, the issue of harm, and effects on the Marina Coast Water District (MCWD) supply are addressed in Master Response 3, Water Rights. See also response to comment Coppemoll-1.

The existing test slant well currently draws water from the brackish Dune Sand Aquifer and the 180-Foot Equivalent (FTE) Aquifer, neither of which are perched at this location. Contrary to the comment, the water being drawn by the slant test well is not fresh. Sampling of the test slant well water reveals the salinity of the pumped water has varied over time, ranging from 25,400 mg/L of TDS at start-up in April 2015 (76 percent ocean water salinity) to 31,800 mg/L in November 2016 (95 percent ocean water salinity); see Master Response 11, CalAm Test Slant Well. As described in EIR/EIS Table 3-1, the proposed slant wells would draw water from groundwater aquifers that extend beneath the ocean floor (the Dune Sands Aquifer and the 180-Foot-Equivalent Aquifer of the Salinas Valley Groundwater Basin) for use as source water for the MPWSP. See Master Response 2, Source Water Components and Definitions.

The perched groundwater-bearing zone referred to in the comment is located inland of the proposed slant wells. Groundwater flows to the edge of this zone and "waterfalls" into the underlying Dune Sand or 180-Foot Aquifer formations. The edge of the perched layer occurs 1.5 miles inland from the capture zone of the proposed slant wells. There is no evidence that the groundwater in the perched zone is reversing seawater intrusion or providing "protection" against seawater intrusion. This is evident in the fact that there is documented seawater intrusion further inland, which has been occurring for decades and continues to occur today. See also response to MCWD-Hopkins Groundwater Consultants (HGC) Section 8.5.2.2.

EIR/EIS Section 4.4.5.2 presents the analysis of potential impacts of the proposed project on groundwater resources in the Salinas Valley Groundwater Basin, including the risk of seawater intrusion, and concludes that impacts would be less than significant. See also Master Response 8, Project Source Water and Seawater

Intrusion. The EIR/EIS acknowledges that components of the proposed project would be inconsistent with the City of Marina LCLUP. See Impact 4.6-4 in Section 4.6, Terrestrial Biological Resources. See also responses to comments Marina-94 and MCWD-150.

Master Response 3, addresses Marina's Water Rights.

Numerous resource protection programs throughout the SVGB (e.g. the Castroville Seawater Intrusion Project and the Salinas Valley Water project) have been developed by the Monterey County Water Resources Agency to promote groundwater recharge; EIR/EIS Section 4.4.1.3 describes these groundwater enhancement programs in the SVGB. The suggestion that groundwater quality has been restored through sustainable groundwater management plans and programs of the MCWD is inaccurate. Ceasing of groundwater pumping in the 180-Foot Aquifer and transferring MCWD pumping to the deeper aquifers was done out of necessity (see Master Response 7, the Deeper Aquifers of the SVGB, Section 8.2.7.1) and was not a deliberate effort by MCWD to restore that aquifer. See response to comment MCWD-HGC in Section 8.5.2.2. See also Master Response 6, Sustainable Groundwater Management Act and Master Response 9, Electrical Resistivity Tomography (ERT) and Airborne Electromagnetics (AEM).

Transcript-3

(Tilley)

This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5.

Transcript-4

(Billingsley)

EIR/EIS Section 1.1 explains that CalAm is proposing the MPWSP to develop water supplies for CalAm's Monterey District service area (Monterey District). Section 1.3 presents the need for the project: to replace existing water supplies that have been constrained by legal decisions affecting the Carmel River and Seaside Groundwater Basin water resources. Therefore, the focus of the analysis on water demand (EIR/EIS Section 2.3) is on CalAm's Monterey District and not on other areas that may or may not need water; see also response to comment Biala1-30. See Master Response 3, Water Rights, specifically, Section 8.2.3.7 regarding effects on MCWD's water supply. EIR/EIS Section 4.4.5.2 presents the analysis of potential impacts of the proposed project on groundwater resources in the Salinas Valley Groundwater Basin, and concludes that impacts would be less than significant.

Transcript-5

(H. Biala)

As described in EIR/EIS Table 3-1, the proposed slant wells would draw water from groundwater aquifers that extend beneath the ocean floor (the Dune Sands Aquifer and the 180-Foot-Equivalent Aquifer of the Salinas Valley Groundwater

Basin) for use as source water for the MPWSP. See also Master Response 2, Source Water Components Defined, and Master Response 3, Water Rights, regarding water rights, harm, and effects on MCWD's water supply.

See response to comment Biala1-30 regarding consideration of other service area's water needs. Consistent with NEPA and CEQA, the EIR/EIS analyzes the project as it was proposed by CalAm, the applicant; likewise, the project objectives within the EIR/EIS (see Section 1.3) reflect the purposes for which CalAm proposed the project. EIR/EIS Section 4.4, Groundwater Resources, analyzes the physical impacts of the proposed project on the quality and quantity of water in the regional aquifers that could be affected by the project, thus providing data as to whether and how the water sources of other water users could be affected.

Environmental Justice is addressed in EIR/EIS Section 4.20, Socioeconomics and Environmental Justice.

Transcript-6

(K. Biala) See Master Response 3, Water Rights, Section 8.2.3.2, Sequence of Approvals. See response to comment Marina-11 regarding slant well technology. See Master Response 2, Source Water Components and Definitions, and Master Response 3, Water Rights, Section 8.2.3.7 regarding the effects on MCWD's water supply.

The perched groundwater-bearing zone referred to in the comment is located inland of the proposed slant wells. Groundwater flows to the edge of this zone and "waterfalls" into the underlying Dune Sand or 180-Foot Aquifer formations. The edge of the perched layer occurs 1.5 miles inland from the capture zone of the proposed slant wells. There is no evidence that the groundwater in the perched zone is reversing seawater intrusion or providing "protection" against sea water intrusion. This is evident in the fact that there is documented seawater intrusion further inland, which has been occurring for decades and continues today.

EIR/EIS Section 4.4.5.2 presents the analysis of potential impacts of the proposed project on groundwater resources in the Salinas Valley Groundwater Basin, including the risk of seawater intrusion, and concludes that impacts would be less than significant. See also Master Response 8, Project Source Water and Seawater Intrusion, response to comment Transcript-2, and MCWD-HGC in Section 8.5.2.2. See Master Response 9, Electrical Resistivity Tomography (ERT) and Airborne Electromagnetics (AEM). Results of the test slant well are presented in Master Response 11, CalAm Test Slant Well, and EIR/EIS Appendix E3. See Master Response 12, The North Marina Groundwater Model (V. 2016), Section 8.2.12.1.

Transcript-7

(Olsen) See Master Response 3, Water Rights, Sections 8.2.3.5 and 8.2.3.7. EIR/EIS Impact 4.4-3 concludes that impacts associated with changes in groundwater levels during operation of the MPWSP would be less than significant. However, CalAm

has voluntarily proposed Applicant Measure 4.4-3. If it is determined that a nearby active groundwater well has been damaged or otherwise negatively affected by the project pumping of the slant wells, the project applicant shall coordinate with the well owner to arrange for an interim water supply and begin developing a mutually agreed upon course of action to repair or deepen the existing well, restore groundwater yield by improving well efficiency, provide long term replacement of water supply, or construct a new well. CalAm would be bound to implement this mitigation measure through the Mitigation Monitoring and Reporting Program (CEQA Guidelines Section 15097), which ensures that measures included in an EIR to mitigate or avoid significant environmental effects are implemented.

Alternative projects at Moss Landing are described in EIR/EIS Section 5.4 and evaluated in Section 5.5.

Transcript-8

(McMahon) This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5

Transcript-9

(Munteer) This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5.

Transcript-10

(Leneve) This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5.

Transcript-11

(Poskoff) This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5.

Transcript-12

(Olsen) See Master Response 3, Water Rights, regarding water rights, harm, and effects on MCWD's water supply. See also response to comment Transcript-7.

Transcript-13

(Hansen) This comment does not concern the adequacy of the environmental review included in the EIR/EIS, but will be considered by decisionmakers, as discussed in Section 1.5.

Transcript-14

(Baer) The EIR/EIS is based on the best available information. See Master Response 11, CalAm Test Slant Well, Sections 8.2.11.2 and 8.2.11.3, which summarize the Coastal Development Permit and CEQA and NEPA review processes for the test slant well; see also Section 8.2.11.5 which describes the long-term pump test and the outages. See also EIR/EIS Appendix E3.

In a letter dated September 26, 2012, the CPUC requested an opinion from the SWRCB on whether CalAm has a credible legal claim to extract feedwater for the proposed MPWSP in order to inform the CPUC's determination regarding the legal feasibility of the MPWSP; the CPUC did not request a water rights determination. The SWRCB acknowledged in their review that the information provided to the SWRCB does not allow staff to definitively address the issue of how the proposed project would affect water rights in the Basin since it was unknown at that time which aquifer(s) the wells will extract water from, and further complicating the analysis, the relationship of the aquifers in the well area to surrounding low-permeability aquitards was uncertain. The results of the test slant well long-term pump test, and the information sought by the SWRCB in their July 2013 Final Report, are summarized in EIR/EIS Appendix E3.

As described in EIR/EIS Table 3-1, the proposed slant wells would draw water from groundwater aquifers that extend beneath the ocean floor (the Dune Sands Aquifer and the 180-Foot-Equivalent Aquifer of the Salinas Valley Groundwater Basin) for use as source water for the MPWSP.

EIR/EIS Section ES.8 explains that the groundwater model and results presented in the April 2015 Draft EIR, which relied on the work of Dr. Williams, have been revised in response to public concerns about potential conflict of interest. See also Master Response 5, The Role of the Hydrogeologic Working Group and its Relationship to the EIR/EIS, Section 8.2.5.6.

Finally, EIR/EIS Section 4.4.5.2 concludes that the impacts of the proposed project pumping on groundwater resources would be less than significant (not "insignificant" as the comment states) according to specified significance criteria. While the proposed project would extract 24.1 mgd of source water from the Dune Sands Aquifer and 180-FTE Aquifer (see Master Response 8, Project Source Water and Seawater Intrusion), and the Environmentally Preferred Alternative (Alternative 5a) would extract 15.5 mgd of source water, it would be 90 percent ocean water in the first few months of project pumping and 95 percent ocean water within 5 years of project pumping; see Master Response 4, The Agency Act and Return Water, Section 8.2.4.3 as well as EIR/EIS Appendix E3. See Master Response 12, The North Marina Groundwater Model (v. 2016).

Transcript-15

(Shriner) EIR/EIS Table 3-1 explains that the proposed slant wells would draw water from groundwater aquifers that extend beneath the ocean floor (the Dune Sands Aquifer and the 180-Foot-Equivalent Aquifer of the Salinas Valley Groundwater Basin). The proposed location of the slant wells is shown on EIR/EIS Figure 3-3a, and lengths of permanent slant wells seaward of 2020 Mean High Water are shown in Table 3-2 and Figure 3-3b. The Coastal Retreat Study conducted for the EIR/EIS is included as Appendix C2, and is explained in EIR/EIS Section 4.2.1.3; see also response to comment Shriner-3 and PTA-6.

EIR/EIS Appendix A1 is the Draft EIR/EIS distribution list. In addition to the direct mailing of 392 CDs, a notice of availability (NOA) was mailed to all property owners and residences within 300-feet of any proposed or alternative facility; the NOA provided the web address containing the Draft EIR/EIS for download, and announced the locations of hard copies for public review. Announcements regarding the availability of the Draft EIR/EIS, with links to the document, were provided in a regional newspaper (the Monterey Herald), a local newspaper (the Carmel Pinecone) and in the Federal Register.

Assumptions for the groundwater model were disclosed and reviewed with the public approximately 4.5 months prior to the release of the Draft EIR/EIS. The September 1, 2016, CPUC-sponsored workshop at the Sunset Center in Carmel-by-the-Sea included a presentation and discussion on EIR/EIS Appendix E2, North Marina Groundwater Model Review, Revision, and Implementation for Slant Well Pumping Scenarios. Copies of the presentations that were made at the workshop continue to be available at: http://www.cpuc.ca.gov/Environment/info/esa/mpwsp/comms_n_docs.html.

The Draft EIR/EIS NOA that was published on January 13, 2017 included an announcement that “[t]he open house/public meetings will include a brief presentation on the contents and conclusions of the Draft EIR/EIS and interested parties will be provided an opportunity to interact with technical staff and preparers of the Draft EIR/EIS.” The Lead Agencies and consultant staff were directed to help reviewers navigate the Draft EIR/EIS in order to facilitate the public’s review of the lengthy and complicated document.

EIR/EIS Chapter 5 presents the alternatives’ analysis, including analysis of alternatives at Moss Landing and Potrero Road. A detailed screening of components was provided in EIR/EIS Section 5.1 through 5.3. EIR/EIS Section 5.4 describes a total of eight whole alternatives, including the proposed project, the No Project Alternative, and Alternatives 1 through 5b; the alternatives are evaluated in EIR/EIS Section 5.5. The environmentally superior/environmentally preferred alternative (Alternative 5a, Reduced Project 6.4-mgd Desalination Plant - Intake Slant Wells at CEMEX) is described in EIR/EIS Section 5.6.

Transcript-16

(Cortez) The Public Hearing on the Draft EIR/EIS was not a CPUC Commission Meeting. Therefore, rules described in CPUC Resolution ALJ 252 did not apply; see response to comment Cortez-1.

See Master Response 1, EIR/EIS Authorship: this EIR/EIS was prepared by the CPUC as the CEQA Lead Agency, by NOAA's MBNMS as the NEPA Lead Agency. Likewise, the Lead Agencies, and not CalAm, hosted the EIR/EIS public meetings.

Regarding superposition modeling, see Master Response 12, The North Marina Groundwater Model (v. 2016), particularly Section 8.2.12.3. The deeper aquifer is evaluated in EIR/EIS Section 4.4.5.2; see also Master Response 7, the Deeper Aquifers of the SVGB, particularly Section 8.2.7.2. Regarding freshwater in the 180-FTE Aquifer, see Master Response 2, Source Water Components and Definitions, as well as response to comment MCWD-HGC in Section 8.5.2.2. EIR/EIS Appendix E2 Section 5.3 explains that slant well pumping effects on the inland movement of saltwater were assessed using the 2016 version of the North Marina Groundwater Model (NMGWM²⁰¹⁶) and MODPATH. Without slant well pumping, the particles representing saltwater would continue to migrate inland. With slant well pumping, the movement of saltwater is in response to the regional background gradient and drawdown created by slant well pumping. The EIR/EIS therefore, utilized the superposition NMGWM²⁰¹⁶ without the regional gradient to isolate changes in saltwater movement due solely to slant well pumping.

See Master Response 3, Water Rights, regarding the beneficial uses of water, and specifically Section 8.2.3.7 regarding effects of the proposed project on MCWD's water supply. What MOU the comment is referring to between a state agency, a county agency and a federal agency is not clear, but may be referring to the three party planning agreement. EIR/EIS Table 4.2 identifies Project No. 31 as the MCWD RUWAP Desalination Element, and discusses the three-party planning effort involving Fort Ord, MCWD and MRWPCA: The three party planning (TPP) effort will explore the most cost effective and technically efficient mix of advanced treated water, conservation, desalination, groundwater recharge and recovery, and other water sources, options, and alternatives to provide the 973 afy of augmented water, and whether more or less than 1,427 afy of advanced treated water is necessary to serve the Ord Community. The FORA Board will utilize the TPP study in developing a preferred water augmentation mix and deciding which additional water augmentation project(s) should be developed by MCWD.

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(Hofmann) EIR/EIS Section 4.4.5.2 describes potential operational impacts of the proposed project on groundwater resources in the Salinas Valley Groundwater Basin. See also Master Response 3, Water Rights, Section 8.2.3.7 regarding the effects of the

proposed project on MCWD's water supply. See Master Response 11, CalAm Test Slant Well, and response to comment Marina-11, in Section 8.5.1, regarding slant well technology. See Master Response 9, Electrical Resistivity Tomography (ERT) and Airborne Electromagnetics (AEM) regarding the use of ERT data.

EIR/EIS Section 4.4.5.2 presents the technical analysis of impacts of the proposed project's operation on groundwater resources, and is supported by Appendices C3 Section 4.4.4 (regional geologic setting), Section 4.6.6 (hydrostratigraphy), Section 5.2 (groundwater quality, CEMEX area), as well as Appendix E2 (groundwater modeling), and Appendix E3, Section 1.2 (hydrogeologic conceptual model).

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(Riley)

See Master Response 3, Water Rights. See response to comment PWN2-22 regarding ratepayer issues. See Master Response 11, CalAm Test Slant Well, and response to comment Marina 11 in Section 8.5.1, regarding the feasibility of slant well technology. See also Master Response 9, Electrical Resistivity Tomography (ERT) and Airborne Electromagnetics (AEM), regarding the use of ERT data. The balance of these comments address process and ratemaking, and not the Draft EIR/EIS.