

# PUBLIC WATER NOW

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Andrew Barnsdale  
California Public Utilities Commission  
c/o Environmental Science Associates  
550 Kearny Street, Suite 800  
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July 8, 2015

Dear Mr Barnsdale,

This supplements PWN comments on the MPWSP DEIR. Previously PWN submitted a letter by email dated June 30, 2015, and an email dated July 6, 2015. All will be sent in a hard copy.

This comment letter raises questions about feasibility in relation to late breaking news, as well as additional comments on the DEIR.

1. The CEQA definition of feasible is added here for several purposes:

Section 15364. Feasible.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(Title 14, California Code of Regulations.)

The lack of an economic analysis of unproven and unused slant well technology continues to be a huge shortfall. Even the common briefing outline ignores the subject of feasibility. Will ESA include explanatory narrative on feasibility in the FEIR, within the full CEQA definition? Will ESA render an opinion of the adequacy of the DEIR/FEIR in meeting the full definition? Will ESA add comments on the factors that are not addressed in the FEIR?

2. Re: The CA Coastal Commission letter dated July 3, 2015, to Ian Crooks at Cal Am re Condition Compliance – Special Condition #11 of 1. Coastal Development Permits (“CDPs”) A-3-MRA-14-0050 and 9-14-1735 for California American Water’s (“Cal-Am’s”) slant test well project in Marina, Monterey County.

Will the FEIR include an analysis of the lost time for test well data collection because of this delay? Will ESA recommend additional time for a robust data base in order to counter the known fact that such use of slant wells has no history?

3. The Peoples Desal Project at Moss Landing just issued its Notice of Preparation, on June 26th. Will the FEIR contain a full analysis of the possibility of it meeting the same objectives targeted by Cal Am? PWN is particularly interested in the “economic” aspects, in light of the

CEQA definition of 'feasibility'. Specifically PWN seeks a full comparison. Will this be done by ESA? Of course PWN is focused on the estimated costs of Peoples, in light of Cal Am's out of date costs. The common briefing outline invites comments on alternative projects. Without a full analysis of Peoples, all parties will have a complicated task ahead, including the CPUC.

4. These issues call attention to the compressed schedule of the CPUC. There is too little time to get updated cost estimates from Cal Am, too little time to complete the test well, too little time to generate a full DEIR, and too little time for interveners to file comprehensive briefs. This proceeding is losing credibility because of the compressed schedule. It may lose legal standing as well if it continues. Will this be addressed in the FEIR?

What follows are comments based DEIR narrative in CHAPTER 2 Water Demand, Supplies, Section 2.7 Water Rights, Section 2.7.1 State Water Resources Control Board Report.

DEIR Section 2.7.1 cites extensively from the SWRCB letter dated July 31, 2013, which is Appendix B2. PWN comments refer to Appendix B2, and the issues raised in the SWRCB letter.

Appendix B2 State Water Control Board – Final Report on Analysis of Monterey Peninsula Water Supply Project

Page	Reference	Comment
24-5	“As more information about the groundwater system becomes available, a more detailed evaluation of the capture zone for the extraction system will be possible. This type of capture zone analysis will be important in evaluating the long-term effects of the extraction well system and any potential impacts on existing water users and the Basin.”	The clear intent by SWB is more information, which correlates with the 18 to 24 month test well period. This DEIR fails to follow the SWB recommendations for “evaluating long term effects”. By recommending DEIR approval without the full test well period being followed is a short cut, and does not honor the advice of SWRCB. Why is ESA not following the intent of SWB recommendations? Will this be addressed in the FEIR? Why is ESA not following the schedule outlined by Cal Am for a full evaluation of the test slant well?
43	“Based on the current project design and location of the extraction wells, it is highly unlikely that in the foreseeable future Cal-Am will draw an increased percentage of fresh water from wells with intake screens located several hundred feet offshore.”	The DEIR fails to clarify that the test well does not reach beyond the tide line. It terminates landward of the tide line. Where is this explained in the DEIR? Where is the point made by SWRCB explained away? Is it relevant in the opinion of ESA? Were modeling scenarios based on a draw point under the bay, or under the land? Is this a material difference? If not, why not, and will it be explained?
44	“Alternatively, it is possible that Cal-Am could implement modifications to the	Where in the DEIR is this option addressed? If the SWRCB suggests an option, why is it not

	groundwater extraction system to offset any impacts on fresh water sources.” Footnote 63. Ftnt 63: “For example, active groundwater barrier systems, or other means of isolating the extraction wells from the groundwater system could be implemented.”	included in the DEIR? Will this be addressed?
44	“Based on historical uses of water in the Basin and despite efforts to reduce groundwater pumping in seawater intruded areas through enactment of Ordinance 3709 and efforts to increase recharge through the CSIP, there is no substantial evidence to suggest that Basin conditions will improve independent of the MPWSP without a comprehensive solution to the overdraft conditions. Although implementation of the SVWP has reportedly contributed to a reduction in the rate of seawater intrusion, there are still very large pumping depressions in the Basin, and these pumping depressions provide a significant driving force for sustained seawater intrusion which will likely continue for many decades “	This heavy assumption that local efforts will fail, or are failing, are not backed up with data. Where is the supporting data in the DEIR? The MCWRA investment in the rubber dam seeks to add water to recharge dynamics by holding water in the stream bed longer than a natural flow. But Cal Am project wants to pump water at the tide line to halt sea water intrusion. One stores water,. One pumps water. These conflicting approaches are not reconciled it the analysis. Will it be?
45	“Alternatively, or in conjunction with injection wells, Cal-Am could ensure an adequate supply of replacement water is maintained within the CSIP program. Initial studies would be needed to determine the most suitable location based on soil permeability for additional percolation basins, if necessary. As with injection wells, percolation basins would need to be located where the underlying aquifer does not contain degraded water.”	The DEIR has not addressed the issue of Cal Am assuring the integrity of CSIP. Has Cal Am worked out approaches to this question with MCWRA or others? Has this been investigated by the ESA team? Are there comments on this? Will there be comments on this in the FEIR?
45	“Based on the information provided in the (Coastal Water Project) FEIR, North Marina Project modeling suggests a zone of influence of approximately 2 miles from the proposed extraction wells. <sup>64</sup> Ftnt 64: 64 Cal-Am, Coastal Water Project, FEIR, Appendix E, Geoscience, North Marina Groundwater Model Evaluation of Projects p. 21 (E-28), July and September 2008.	How has the zone of influence been reduced form 2 miles (in 2008 report) to only 1 mile (in the current report)? The same Geoscience expertise is the source in both reports. Will this be explained? Should the smaller impact zone in the current DEIR address and explain the difference from the earlier report?
50	“Additional studies also will be necessary to determine how any extracted fresh water is replaced, whether through re-injection wells, percolation basins, or through existing recharge programs. It may also be necessary to survey the existing groundwater users in the affected	Clearly a 'survey of existing groundwater users in the affected area' was not done. Or else the AgLandTrust property would have been noted. Will ESA explain the reason for not conducting such a survey?

	area. The studies will form the basis for a plan that avoids injury to other groundwater users and protects beneficial uses in the Basin.”	
55	“ Our Report concludes that it is necessary for Cal-Am to conduct groundwater investigations in order to collect the information needed to refine the groundwater model.”	Is it the opinion of ESA a) that bore hole information is adequate to conclude proceeding? b) that the test well is not necessary to draw conclusions? c) that the overwhelming political push for the test well is negated by bore hole data? d) that minimal test well data is all that is necessary to approve the project? e) that the incomplete test period can be ignored? f) that the full test period is overstated? g) that the local emphasis of the importance of the test well data can be marginalized? h) that the CPCN decision can be based on incomplete test well data? i) that the DEIR and the FEIR, both with incomplete data from the full test period, is adequate for the CPUC to decide the acceptability of the CEQA review? j) that the CEQA review is complete without the test period being complete, and/or with only preliminary test data being included?
56	“Whether the seawater intrusion efforts will be assisted by the implementation of the proposed project, or hindered by it, is a question that can only be answered through further investigation. These investigations are proposed as a component of the MPWSP.”	“Further investigation” surely suggests that the test period of 18 to 24 months is critical. Has ESA decided the test period is not that important? Where is any explanation of the argument that the test period of 18 to 24 months can be cut short? Will ESA promote the approval of the MPWSP without the full investigation planned with the 18 to 24 month test period?
56-7	“It is necessary to conduct the studies proposed for the initial stage of the investigation in order to develop the required groundwater model. State Water Board staff believes that this investigation can be conducted without adversely affecting Basin water users. The investigation should ascertain whether any groundwater users have wells in close proximity to the proposed test well, and any concerns about the use of that well during the investigation phase should be addressed.”	Is it the opinion of ESA that bore hole data is sufficient to meet CEQA requirements? Is it the opinion of ESA that minimal test well data meets CEQA requirements? Is it the opinion of ESA that the opinion of the SWRCB can be moderated and parsed sufficiently to minimize its intent? Where is the ESA analysis that counters the opinion of SWRCB report?

Respectfully submitted,

/s/ \_\_\_\_\_  
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