



July 16, 2015

California Public Utilities Commission  
c/o Environmental Science Associates  
550 Kearny Street, Suite 800  
San Francisco, CA 94108

VIA E-Mail: [MPWSP-EIR@esassoc.com](mailto:MPWSP-EIR@esassoc.com)

**RE: Monterey Peninsula Water Supply Project  
Draft Environmental Impact Report**

Monterey County Farm Bureau represents family farmers and ranchers in the interest of protecting and promoting agriculture throughout our County. We strive to improve the ability of those engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of our local resources.

With nearly 100 years of ensuring the future of Agriculture in our County, Monterey County Farm Bureau counts over 400 family farms and ranches as members plus an additional 200 associate members who support local agriculture. Our primary mission has always been to protect water rights of landowners and farm operations; increasingly, the current regulatory environment provides no shortage of water related issues, including recently enacted groundwater sustainability requirements. Without water, the entire agricultural economy of Monterey County could be at risk.

Farmers and ranchers also have a vested interest in helping the Monterey Peninsula to solve their water resource issues. We support the development of new water resources to replace diversions on the Carmel River utilizing desalination of the largest water resource immediately adjacent to Monterey County, the Pacific Ocean. Only through cooperative resource management and development will we all achieve water supply solutions that protect all current water right holders.

Monterey County Farm Bureau became an intervener in the California Public Utilities Commission process that will determine approval of the proposed Monterey Peninsula Water Supply Project (MPWSP) primarily to protect the water rights of the Salinas River Groundwater Basin (SRGB) landowners. Our focus of concern is with the depletion of water from the SRGB during the source water pumping process. The placement of the



slant well array over the SRGB at the North Marina site along the coast provides ample opportunity for harm to the SRGB and its users.

We support the California State Water Resources Board's assertion that no harm must come to the SRGB through extraction of source water for the MPSWP.

Our comments related to the Monterey Peninsula Water Supply Project Draft Environmental Impact Report (DEIR) will focus on these main areas: reliance on the Brown and Caldwell "State of the Salinas River Groundwater Basin" report, source water intakes and SRGB return water, and the MPWSP Variant. Other general comments will follow these sections, plus a conclusion.

**Reliance on Brown and Caldwell "State of the Salinas River Groundwater Basin" Report (2014)**

In 2014, the Monterey County Board of Supervisors commissioned a report to assess the current state of the SRGB, primarily due to the continuing drought. This report, presented in December 2014 to the Supervisors, collated a number of source information points on wells, hydrology, and water extractions into a 'snapshot' of the groundwater basin.

After examining this report more closely, the data sets used to report conditions in the SRGB do not include improvements made by the Salinas Valley Water Project, Salinas River Diversion Facility, or Castroville Seawater Intrusion Project. Many of the data sets used to prepare this report predate these projects, including information from years prior to 1997 only; influences on groundwater conditions are NOT addressing the operation of projects constructed in the past 20 years for the findings of the report as a baseline of conditions currently existing.

Brown and Caldwell notes this disclaimer on the title page of their report:

*This document was prepared solely for Monterey County Resource Management Agency (County) in accordance with professional standards at the time the services were performed and in accordance with the Professional Services Agreement between the County and Brown and Caldwell. This document is governed by the specific scope of work authorized. We have relied on information or instructions provided by the County, the only intended beneficiary of this work. Except as expressly agreed to between Brown and Caldwell and County, no other party should rely on the information presented herein.*



Thus, reliance on this report for specific environmental impacts cannot be made, per statement by Brown and Caldwell and the data sets presented that are not relevant to the current conditions that will influence the MPSWP. Conclusions as to the baseline derived from analyzing this data will be faulty and unreliable; any and all reference to this report in the DEIR document should be removed.

### **Source Water Intakes and SRGB Return Water**

Evaluated in section 4.4.3.5 of the DEIR, the MPSWP will cause the SRGB to be subjected to two possible negative impacts during the operation of the source well intakes (slant wells); of major concern to Salinas Valley landowners and growers are impacts to the SRGB due to “depletion of groundwater supply.” Second, immediate to the area of the source well site are impacts to neighboring production wells, including the CEMEX pond well.

These two potential impacts are evaluated within the “radius of influence” that includes the groundwater that comes regionally from the interconnection to the SRGB and its sub-basins. Both of these impacts are evaluated incorrectly in the DEIR document as noting no significant impacts because of the proposed feature to return water to the SRGB, presumably because return water will be either directly injected into the basin or as added volume for the Castroville Seawater Intrusion Project (CSIP).

Quoted from the DEIR (page 4.4-68), “Since the MPSWP would return what small percentage of groundwater that is extracted for the SVGB through in-lieu groundwater recharge, pumping at the slant wells would not deplete groundwater resources in the SVGB and therefore, this impact would be less than significant.”

There is no identified tolerance level for the depletion of the SRGB noted in the DEIR, nor is there reference to any mitigation requirements under CEQA. Instead, the notation of return water to the SRGB is listed as a *project feature* when it is required to be listed as a *mitigation measure* of the MPSWP. Without notation or determining a threshold for tolerance of depletion of the SRGB, there is no clear understanding of how this *feature* would be incorporated as a mandated requirement of the project.

The Agency Act of Monterey County Water Resources Agency (MCWRA) specifically excludes exporting of groundwater from the SRGB to other uses outside the basin. Therefore, if source well operations deplete a portion of the SRGB groundwater, the *mitigation* would be to return that water to the beneficial use of the SRGB landowners, agricultural operations, and municipalities that have rights to that groundwater.



As noted in Appendix G, there is no specific determination of “substantial depletion” of SRGB resources. The DEIR document does not address the specifics of the required ‘no harm’ order from the State Water Resources Control Board (SWRCB) in their determination of July 31, 2013; there is no reference to any specific amount or threshold that is determined to be less than substantial that allows for this impact remedy to be a *feature*.

Geology studies of the North Marina site indicate that the SRGB aquifer extends out into the ocean, beneath both the seabed and a layer of sediment and sand (sand dunes aquifer). There appears to be a limited aquitard in the area separating the sand dunes aquifer from the SRGB uppermost layer, approximately 180 feet of elevation underground. This would suggest that the source water extractions, at the magnitude of water quantities proposed for desalination, would deplete groundwater from the SRGB as part of the source water pumping at a rate that could be considered substantial to the SRGB users (absent a determination of less than substantial).

The amount of SRGB water withdrawn is certainly at issue and will only be confirmed through continuous operation of the test well currently operating intermittently on the North Marina site. Since this well only began extractions in March 2015, and only for a limited time so far, there is insufficient data to confirm the amount of the SRGB water in the extraction flows, and hence, confirmation of the amount forecasted by the groundwater modeling completed for the DEIR. Section 4.4-61 notes that groundwater supply depletion is estimated at 7% of freshwater at initial operation, improving to 5.5% over the life of the MPSWP; also noted in section 4.4-62 is that inland test well water volume is estimated as “conservative” as currently projected by the modeling, indicating that the percentages used to estimate groundwater supply depletion are not yet fully understood without long-term operation of the test well.

Since modeling constructs and data baselines used to forecast the amount of freshwater extracted from the SRGB over the life of the project have not been made public for review, the modeling efforts cannot be validated by interveners nor commenters on the DEIR. Until independent review of the model can be made by the Hydrologic Working Group and other interested parties, the model forecasts remain uncertain.

Further, the DEIR proposes to omit information from the test well in the Final Environmental Impact Report (FEIR). This could be potentially a fatal flaw within the FEIR as the return water to the SRGB cannot be adequately analyzed as to depletion levels actually observed. Should this return water be of a quantity larger than what the model currently forecasts, the MPSWP could be faced with a significant *mitigation* of SRGB water rights.



With slant well influences estimated to be up to 7 miles during the operational run of the MPSWP (noted in Table 4.4-13), the influences and impacts on the SRGB could be more wide-spread than the modeling projects throughout the life of the MPSWP. Data from the test well operation will confirm this over time.

Thus, listing the return water as a *feature* of the project, rather than an *impact mitigation*, does not specifically address the requirement to keep the SRGB whole, or without harm.

### **MPWSP Variant**

The DEIR recommends the project variant as the preferred option for approval. This relies on a number of component projects to be built conjunctively with the proposed desalination facility, adding a high degree of variability to the amount of water continuously delivered to Monterey Peninsula connections in aggregate. There are numerous levels of uncertainty with the component projects, as discussed in this section of our comments.

#### Source Water Reliability of Pure Water Monterey Project (Groundwater Replenishment)

Generally, in section 6.2.1, the DEIR does not consider impacts if there is a lack of source water supply to the proposed replenishment project (GWR). Facilities will be built, pipelines installed to transport water, and a smaller desalination facility will be built by California American Water to offset the volume of water generated by GWR. Specifically, California American Water will be spending earnest money on connections to GWR when there is no reliance that the source water portfolio for GWR will supply water on a continuous basis. Because the GWR project is tied into the MPWSP as a component project, mainly to determine the size of the desalination facility, the lack of a reasonable reliance on source water puts the MPWSP project at risk, and thus, the water supply volume to be provided as replacement water for the Carmel River diversions.

GWR intends to make use of waters generated through a system of capture from Salinas Valley agricultural processing facilities that are dependent on the local agricultural sector for vegetables and leafy greens packed in their various processes. This sector of the agricultural community came about due to consumer demand for prepared food solutions that afford consumption of fresh vegetables and salads in a convenient, easy-to-prepare package. While these products continue to be driven by consumer demand, the processing of these products utilizes water that currently cannot be recycled or reclaimed without cyclical discharges (wash water flows). Subject to changes in food



safety measures and product handling, the water utilized in these processes may become unavailable through an approved closed-loop recapture system that ensures pathogens are not transferred between multiple process cycles. Subject to these changes and the continuing public pressure to reduce water use in processing of packaged foods, this wash water flow may at some point in time be reduced or eliminated as technology advances the ability to cleanse this water for reuse. The processing facilities currently discharging the wash water flow may determine that, in their best interest, it is of benefit to hold and recycle this water permanently rather than discharging it to the Salinas reclamation ponds.

Thus, this water supply could become interruptible due to changing business practices, consumer demand, and public perception of water recycling. Additionally, the processing facilities are private enterprises subject to changes in business trends and functionality. There is no guarantee that these processing facilities will remain in the Salinas Valley area, will continue on a year-round basis, or will process the same quantities of product as currently managed.

GWR has no control over, nor any rights to, the amount of wash water flow that will be provided to the Salinas Reclamation Ponds, and thus, to the groundwater replenishment facilities at MRWPCA. At best, this water can be considered a temporary resource for GWR and should be termed ultimately as interruptible.

Since this is the single largest water supply resource for GWR, interruption of this flow for any reason would put the MPSWP capacity at risk, and thus, placing in jeopardy this portion of the water supply solution for the Monterey Peninsula. The DEIR document does not analyze this potential consequence of the Project Variant option when analyzing GWR as a component.

#### Disposition of Return Water to SRGB

While the DEIR suggests that return water should be injected into the Seaside sub-basin of the SRGB (as noted in Section 6.2.1, Variant-CalAm Facilities) to satisfy the 'no harm' clause of current state water right law, the placement of this water into an already contaminated groundwater basin should be considered a *waste* of clarified water. The DEIR includes the notation that SWRCB concluded that a return water injection into groundwater already degraded beyond use is considered *waste*.

This suggests that a large amount of money will be spent, per acre foot, to clarify the water to drinking water standards, then injected into a basin that has a higher degree of salinity due to salt water intrusion. Injecting fresh water into a contaminated aquifer provides no benefit to the SRGB or its users.



Instead, the DEIR should consider the expansion of CSIP as the first and preferred *mitigation* measure for the return water from source water extractions. This would provide the greatest set of benefits to the SRGB by curtailing further groundwater pumping in the coastal zone, reducing reliance on supplemental wells seasonally, and fulfilling the requirement of the SWRCB 'no-harm' objective to the SRGB by utilizing the return water more productively than sub-basin injection.

Distribution of the return water to an expanded CSIP should be the preferred mitigation of this project impact if the MPWSP Variant receives project approval.

#### Limitation of CSIP Capacity in Current Configuration

While we strongly support return flows of source water from the SRGB to the CSIP project as the *mitigation* with greatest benefit to current groundwater basin users, there is an existing capacity limitation in the CSIP project itself. The MRWPCA pond facilities are currently operated at near capacity for necessary downhill gradient flow into the pipeline system, and the distribution system is limited to a maximum capacity flow as currently constructed.

CSIP Phase II, as listed in the original project description, proposes to expand the service area, reducing pumping in the coastal zone by servicing current groundwater users with surface flows. Additionally, distribution upgrades would be required to ensure adequate flows to all areas within CSIP, indicating booster pumps or other equipment that will be required to increase capacity flow to Phase II users.

The DEIR fails to evaluate the necessary improvements needed for CSIP to manage the additional capacity needed to support both the MPWSP return flows and the GWR anticipated flows within the Variant option (as an alternative). This failure hampers the ability of MPWSP to cause 'no harm' or impact to the SRGB; both State groundwater law and the MCWRA Agency Act (CA Water Code, Chapter 52, Section 21) state that water withdrawn from the groundwater basin must benefit users within that basin (the overlying land owners). By supplying return water to the *mitigation* with the greatest benefit to current groundwater users, MPWSP and GWR will provide multiple benefits to the SRGB by supplying surface flow water to an expanded CSIP service area and reducing reliance on groundwater pumping in the salt water intrusion zone.

Evaluation within the DEIR to anticipate the expansion of CSIP into the Phase II service area for the extraction of freshwater from the SRGB by the MPWSP should be included as an alternative to groundwater injection. The SRGB impacts should be considered significant and require sufficient *mitigation* to return current groundwater users their entitled benefit of use; the DEIR is deficient in failing to adequately analyze this fully.



### Impacts to the Salinas Valley Water Project

As the Variant section discusses, CSIP lacks capacity to manage flows from both GWR and the return flows from the desalination project when operated conjunctively.

There is an implied presumption within the Variant option that water diverted from the Salinas Valley Water Project diversion facility (rubber dam) would be limited or lowered to increase capacity to CSIP facilities if both GWR and return water flows are added to CSIP. This would greatly impact the quality of the water flows into CSIP due to the lack of blending diverted river water from the rubber dam into the MRWPCA pond facility, potentially increasing the salt content of the irrigation water in CSIP. The full impact of this process is not addressed in the DEIR, causing unintended consequences to a project already in operation.

The Variant option preference thus identifies basin return water to be injected into the contaminated Seaside sub-basin; direct injection into the groundwater basin at or around the CEMEX site addresses the issue of CSIP capacity and limits the impacts for the rubber dam to the GWR project only. However, as presented in the prior discussion, the *waste* of this water through injection does not mitigate the 'no harm' provision adequately for SRGB users.

Multiple benefits can be obtained by placing the return water into CSIP in addition to GWR water, which would necessitate additional capacity in both the MRWPCA pond and CSIP pipelines with an expansion of the CSIP service area. Current diversion levels at the rubber dam, when available, should be maintained or increased to enhance the water quality supplied to CSIP when utilizing multiple source water flows.

Selecting the variant option would require a *mitigation* whereby the CSIP project is expanded to include more acreage, increased distribution capacity, and on-site facilities to adequately mix and blend water sources for optimal quality, thus avoiding potential impacts to rubber dam operations and CSIP users.

### **Other Notations from DEIR**

#### Western Boundary of Groundwater Basin

As noted in section 4.4-5, Groundwater Resources, the western boundary of SRGB is noted as the Pacific Ocean coastline. There is adequate geological information to attest that the groundwater basin extends out under the Monterey Bay by some distance





(measured in miles in certain locations, as noted in Section 4.4-8 which discussed the extension of the aquitard under the ocean). The DEIR should adjust the boundaries of SRGB to reflect the extension of the basin under the ocean.

#### Terminology of Salinas River Groundwater Basin

At issue here is terminology congruence with various agencies and codified law. The legislative act creating the MCWRA refers to the groundwater basin as Salinas RIVER Groundwater Basin, yet in Section 4.4, Groundwater Resource, and elsewhere in the DEIR, the description of the basin used is Salinas VALLEY Groundwater Basin. The delineation of the SRGB is referenced in the Agency Act as the area of the Salinas River and Salinas Valley that is recharged by the alluvium of the Salinas River.

Terminology is everything in today's legal interpretations, and consistency with existing codified language should be incorporated in all instances. References in the DEIR should be consistent with applicable legal terminology available and currently in use, incorporating the use of SRGB throughout the DEIR document.

#### Drainage of Salinas River Watershed into Monterey Bay

In Section 4.3.1.2, the description of the drainage from the Salinas River channel into the Monterey Bay at a location approximately 4 miles south of Moss Landing. This presumes that the sand dunes are breached in order for the river water to flow directly into the ocean at this particular location, when in fact the sand dunes are a barrier regularly reestablished by the ocean waves each year. Drainage of the Salinas River into the Monterey Bay currently takes place at Moss Landing, at the confluence with the Pajaro River, as the Old Salinas River channel transports that water behind the sand dunes northward. Presuming the sand dunes are breached each year to allow water ignores the history of flooding of farm land in the area immediately adjacent to the Salinas River Lagoon. The DEIR document should reflect that drainage of the Salinas River at the point 4 miles south of Moss Landing can only occur when a breach of the sand dunes is made, either naturally or by mechanical intervention.

#### **Conclusion**

Farmers and Ranchers are very interested in supporting a long-term water supply solution for the Monterey Peninsula. The DEIR provides insight into how the project would interact with numerous environmental factors and necessary mitigations needed to manage the impacts. There should be no doubt that when the DEIR is certified as



the FEIR that all considerations have been presented, reviewed, and appropriate mitigations included.

Monterey County Farm Bureau finds that specific deficiencies exist in the lack of test slant well data, critical to determining groundwater depletion of the SRGB as well as the amount of return water flows that need to be mitigated to avoid harm to the basin. Without critical assessment of test well pumping, over a period of 12-18 months minimum, the modeling remains unconfirmed and serves only as a forecast of potential impacts.

The return of SRGB waters should be noted as a *mitigation* measure in the DEIR to ensure that the 'no harm' directive of the SWRCB is complied with throughout the life of the MPSWP. Listing return flows as a *project feature* is inconsistent with CEQA; without assurances that this is a required element of project operations, there will be unresolved consequences should the SRGB impacts prove to be initially higher or increasing during the life of the MPSWP.

Return flows should be directed to an expanded CSIP project to allow for multiple benefits to SRGB users for harm caused by MPWSP extractions; expansion of CSIP should be a required *mitigation* should the Variant option be approved.

Finally, references to the Brown & Caldwell report of the SRGB basin should be removed from the DEIR document entirely due to the flawed nature of the data presented.

We appreciate the opportunity to make comment on the DEIR document; the amount of work that the document represents is considerable and should be respected as a comprehensive review of the MPSWP and its components.

Your consideration of these comments is valued by Monterey County Farm Bureau and its members.

Sincerely,

A handwritten signature in black ink, appearing to read 'Norman C. Groot', written over a circular scribble.

Norman C. Groot  
Executive Director