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September 3, 2015

BY E-MAIL AND U.S. MAIL

Mary Jo Borak
California Public Utilities Commission
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Re: A.12-04-019 - Monterey Peninsula Water Supply Project,
July 9, 2015 Notice re Release of Groundwater Modeling and Data

Dear Ms. Borak:

On behalf of this firm's client, the Marina Coast Water District ("MCWD"), I write again concerning the July 9, 2015 Notice to All Parties ("July 9 Notice") of the Energy Division ("Energy Division") of the California Public Utilities Commission (the "Commission" or the "CPUC") and the Energy Division's commitment to release the groundwater modeling and related data and assumptions for the Draft Environmental Impact Report ("DEIR") that was issued by the Energy Division under the California Environmental Quality Act ("CEQA") on April 30, 2015 regarding the proposed Monterey Peninsula Water Supply Project ("MPWSP" or "project"). My assistant, Ms. Quiambao, received today from Mr. Zigas the enclosed e-mail message, with instructions for MCWD to follow in order to obtain the groundwater modeling, data and assumptions for the MPWSP DEIR. We are complying with those instructions today, as evidenced in the enclosed copy of my letter to Mr. Johnson Yeh of Geoscience. We understand that Mr. Zigas' message of today provided the Commission's and Energy Division's response to my letter to you of August 21, 2015.

My August 21st letter requested a *prompt* release of the groundwater data and modeling that was promised in the July 9 Notice. My letter also noted the increasingly constrained time period MCWD would have in which to review the groundwater modeling information and provide written comments on the DEIR in light of the current September 30, 2015 deadline for submission of comments. Therefore, MCWD requested the promised materials be provided no later than August 28th – roughly one month before the deadline for comments. Not only was the information not provided by the requested date, it appears we will receive the promised information sometime next week at the earliest. This schedule will only provide MCWD with a couple of weeks to review this voluminous information and

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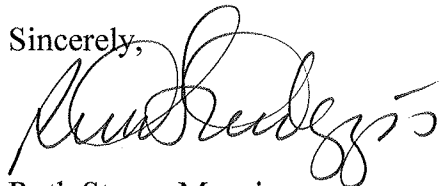
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incorporate that review into its comments (we understand a 2 Terabyte hard drive is required for the modeling information). Therefore, MCWD remains extremely concerned that is not being afforded a sufficient time to make meaningful use of the Commission's groundwater modeling and data in compiling its DEIR comments. There is simply no justification for the Commission to wait over two months to provide the promised information and then only allow MCWD (and presumably other commenters) such a short time to review the data and provide comments. This approach does not comply with the spirit or language of CEQA, as MCWD has explained in its prior comments.

In addition, I draw your attention to the seven issues that were raised in Mr. Fogelman's letter of July 29, 2015. A copy is enclosed for ease of reference. Any one of those seven issues alone would justify recirculation of the Notice of Availability of the DEIR and a re-start of the comment period. Now, in combination with the two-month delay in the release of the Commission's groundwater modeling and data to MCWD – though perhaps not to any other parties or to the public – the need for recirculation is all the more compelling. MCWD respectfully renews its own request, and suggests that the Commission very seriously consider the pending earlier request of the Monterey Bay National Marine Sanctuary, that the MPWSP DEIR be revised and recirculated as a joint CEQA/federal environmental review document. Such a document would incorporate comprehensive groundwater data, modeling and assumptions, in addition to curing the other deficiencies in the Commission's CEQA process that were noted in Mr. Fogelman's July 29th letter. At a minimum the comment period should be extended to provide the CEQA-required review period.

Finally, I would note that if the Commission waits to extend the comment period at the eleventh hour again, it will require the unwarranted waste of public resources that could be saved by announcing an extension before MCWD incurs the burden and pays the costs of expedited review under the current schedule. Therefore, MCWD requests the Commission announce its decision on recirculation or extension no later than the time when it provides the promised modeling information next week. Please feel free to contact me or Mr. Fogelman if you have any questions or would like to discuss MCWD's request.

Sincerely,



Ruth Stoner Muzzin
Enclosures

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cc (via e-mail only):

Eric Zigas

Kenneth Lewis

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Mark Fogelman, Esq.

Service list, A.12-04-019 (except decisionmakers)

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Re: A.12-04-019 - Monterey Peninsula Water Supply Project,
Marina Coast Water District's Comments in Response to
July 9, 2015 Notice to All Parties,

Dear Ms. Borak:

Thank you for the opportunity to comment on the July 9, 2015 Notice to All Parties ("July 9 Notice") of the Energy Division ("Energy Division") of the California Public Utilities Commission (the "Commission" or the "CPUC") and the Energy Division's possible decision, referenced therein, to recirculate the Monterey Peninsula Water Supply Project ("MPWSP" or "project") Draft Environmental Impact Report ("DEIR") that was issued by the Energy Division under the California Environmental Quality Act ("CEQA") on April 30, 2015. Marina Coast Water District ("MCWD") provides the following responses to the three questions posed in the July 9 Notice, which extended the MPWSP DEIR comment period to September 30, 2015. As noted in these responses, changed circumstances and new information identified by the CPUC and described in the July 9 Notice require recirculation of the DEIR. We also provide a preliminary statement regarding procedural issues associated with the DEIR and the DEIR's groundwater analysis that independently require recirculation under CEQA.

- 1. CEQA mandates the CPUC obtain an independent evaluation of the accuracy and credibility of the work performed by Dennis Williams or Geoscience on the DEIR and all groundwater modeling for the MPWSP; the independent analysis must be made available to the public as part of a revised and recirculated DEIR.**

As explained in the Introduction to the MPWSP DEIR, before considering whether to approve the MPWSP or its alternatives, the Commission must "certify" a final EIR. According to the CEQA Guidelines, "certification" consists of three separate steps. The Commission must conclude, first, that the document "has been completed in compliance with

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CEQA”; second, that the Commission has reviewed and considered the information within the EIR prior to approving the project; and third, that the EIR “*reflects the [Commission’s] independent judgment and analysis.*” (Cal. Code Regs., tit. 14 (“CEQA Guidelines”), § 15090, subd. (a), italics added; *see also* Pub. Resources Code, § 21082.1, subd. (c)(3) [lead agency must make finding that the document reflects the agency’s independent judgment].) Here, revision and recirculation of the DEIR is required for the CPUC to comply with these requirements.

The CPUC has acknowledged that the existing groundwater modeling and analysis is neither unbiased nor independent; as such, it cannot provide a basis for the CPUC’s independent analysis and conclusions in the MPWSP DEIR regarding the project’s potential impacts to the Salina Valley Groundwater Basin (“SVGB”). This information is critical to the public’s understanding and, as such, the DEIR must be recirculated for review.¹ (*See*

¹ Furthermore, the deficient groundwater modeling and impacts analysis in Chapter 4.4 of the DEIR also affects the DEIR’s analysis and conclusions in:

- Chapter 2 (Water Demand, Supplies, and Water Rights), including but not limited to Chapter 2’s inaccurate assumptions and conclusions regarding the MPWSP’s potential injuries to the SVGB, the amount of water that would need to be returned to the SVGB and the method of return, and compliance with state, regional and local water law and regulations, as well as apparently inaccurate and excessive sourcewater requirements and system demand figures.
- Chapter 3 (Project Description), including but not limited to Chapter 3’s inaccurate assumptions and conclusions regarding the MPWSP’s supply projections, the amount of return water required, and the alternatives for returning water to the SVGB.
- Chapter 4 sections, including but not limited to 4.2 (Geology, Soils, and Seismicity); 4.3 (Surface Water Hydrology and Water Quality); 4.5 (Marine Resources); 4.7 (Hazards and Hazardous Materials); 4.8 (Land Use, Land Use Planning, and Recreation); and 4.13 (Public Services and Utilities), which also rely on the inaccurate and unsupported Geoscience modeling and assumptions in analyzing potential impacts.
- Chapter 5 (Cumulative Impacts), including but not limited to Chapter 5’s inaccurate assumptions and conclusions regarding the MPWSP’s potential cumulative impacts, which are based on the corresponding Chapter 4 sections as well as Geoscience’s modeling and assumptions of cumulative conditions.
- Chapter 6 (MPWSP Variant), including but not limited to the Variant’s potential groundwater impacts as well as Geoscience’s modeling of the Variant.
- Chapter 7 (Alternatives), including but not limited Geoscience’s modeling of the intake alternatives, as well as Geoscience’s input eliminating potential alternatives (including

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July 9 Notice, pp. 1 and 2.) In fact, the CPUC itself did not even have the data from the MPWSP's groundwater modeling "in its possession" over a month after the DEIR was published. (*See* Exhibit 1 [CPUC Response to MCWD Data Request, dated July 1, 2015].)² For these reasons, the CPUC must recirculate the DEIR *after* it has evaluated the DEIR's adequacy and objectivity in order to comply with CEQA.

CEQA requires state agencies independently review those parts of a draft EIR provided by an applicant—before the document is circulated for public review. (CEQA Guidelines, § 15084, subd. (e) ["subject the draft to the agency's own review and analysis"].) The Guidelines are clear: (e.) "*The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.*" (*Ibid.*, italics added.) As the First District Court of Appeal explained, CEQA allows an agency to use an applicant-prepared draft EIR "only so long as the agency applies its 'independent review and judgment to the work product *before adopting and utilizing it.*' [Citations.]" (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 369, emphasis added.) As the July 9 Notice acknowledges, the requisite independent review did not occur here. Therefore, the CPUC must obtain an independent peer review of the DEIR modeling, including consideration of the slant test well monitoring results, and circulate a revised DEIR based on that peer review that reflects the CPUC's "independent judgment," in order to comply with CEQA.

Documents recently provided by Cal-Am and the CPUC in response to MCWD's data requests provide further evidence of the need to recirculate the DEIR. These documents demonstrate that Cal-Am's consultant (Geoscience Services, Inc. ("Geoscience")) and Cal-Am's Hydrogeology Working Group ("HWG"), which consists exclusively of representatives of the applicant, project proponents and "settling parties," directed and controlled the investigation, assumptions, modeling, and conclusions utilized in the DEIR's discussion of groundwater impacts. (*See e.g.* CAW-MCWD 04792-04793.)³ Allowing only

but not limited to alternative locations and Ranney collectors), and the DEIR's discussion of the Environmentally Superior Alternative (7.12).

² Apparently, the California-American Water Company ("Cal-Am") does not have the data that MCWD sought from the Commission either. (*See* Exhibit 2, pp. 10-16, response to requests 2-6 through 2-13 [Response of Cal-Am to MCWD Data Request, dated June 15, 2015].)

³ Not only did Cal-Am's consultant Geoscience prepare the groundwater modeling and analysis used for the DEIR's groundwater analysis – the CPUC's environmental consultant shared the draft model with only a few settling parties through the HWG and improperly attempted to cloak disclosure of the model under the settlement agreement. (*See e.g.*, CAW-

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Cal-Am and select settling parties to control the DEIR's investigation, assumptions, modeling, and conclusions (while excluding MCWD and other interested, non-settling parties and the public from this process) is improper. (CEQA Guidelines, § 15084, subd. (e); *see also Citizens for Ceres v. Superior Court* (2013) 217 Cal.App.4th 889, 912 (*Citizens for Ceres*) ["when environmental review is in progress, the interests of the lead agency and a project applicant are fundamentally divergent. While the applicant seeks the agency's approval on the most favorable, least burdensome terms possible, the agency is duty-bound to analyze the project's environmental impacts objectively."].) Given the importance of the hydrogeological modeling on the project's overall feasibility and the DEIR's reliance on the modeling to evaluate that project's potential impacts to the over-drafted Marina groundwater subarea ("Marina Subarea") of the SVGB, allowing Geoscience and Cal-Am's HWG to direct this DEIR's modeling and analysis violates CEQA's "bedrock" requirements:

Before completion of environmental review and project approval, the law presumes the lead agency is neutral and objective and that its interest is in compliance with CEQA. It is this neutral role which could cause it to reject the project or certify an EIR supporting one of the project alternatives or calling for mitigation measures to which the applicant is opposed. The agency's unbiased evaluation of the environmental impacts of the applicant's proposal is the bedrock on which the rest of the CEQA process is based.

(*Citizens for Ceres, supra*, 217 Cal.App.4th at p. 917; *see also Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88 [holding expert's reliance on undisclosed data regarding baseline does not meet the "informational" goals of CEQA and that baseline information provided at the end of the process was too little, too late].) In as much as the CPUC is ultimately responsible for the adequacy and objectivity of the DEIR before its use, it must recirculate the DEIR to address this conflict.

Geoscience and HWG members who directed the DEIR's investigation, modeling, and analysis of groundwater impacts cannot be considered unbiased. All the members of the HWG represent—and are paid by— parties with interests in the approval of the proposed

MCWD 04791-04794, Exhibit 3, especially at 4792, purporting to constrain review and dissemination of the draft results by Mr. Durbin.) As a result, the modeling must be included in the administrative record, and it is subject to disclosure as a public record. (Pub. Resources Code, §21167.6, subd. (e); *Citizens for Ceres, supra*, 217 Cal.App.4th at p. 922.)

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project. Mr. Leffler is Cal-Am's representative. Mr. Feeney⁴ and Mr. Durbin represent agricultural interests (Salinas Valley Water Coalition and Monterey County Farm Bureau), who are also settling parties in A.12-04-019. Their clients may have an interest in the success of the project because they could receive substantial increases in water supplies under several variations of the MPWSP. Finally, while Geoscience's principal, Mr. Williams, was the designated CPUC representative on the HWG, he and Geoscience have several serious apparent conflicts of interest, as the CPUC has acknowledged. MCWD also notes that Geoscience has a contract to supervise the construction and monitoring of the project's slant test well,⁵ and presumably would obtain a similar contract for the overall project. Regardless of whether Mr. Williams personally will receive direct financial benefits from the project (which must unquestionably be disclosed), over and above the money he and Geoscience receive from Cal-Am and/or other interested parties through consulting contracts, the potential future income for him and his business creates an obvious potential

⁴ Recently, Mr. Feeney participated in a panel for the "Final Report: Technical Feasibility of Subsurface Intake Designs for the Proposed Poseidon Water Desalination Facility at Huntington Beach, of the California Coastal Commission ("Coastal Commission"), dated October 9, 2014 (available at http://www.coastal.ca.gov/pdf/ISTAP_Final_Phase1_Report_10-9-14.pdf). Unlike here, that panel concluded, in evaluating a different project proposal, that slant wells are unproven technology and infeasible. (*See id.*, pp. 37, 56, 64.) If Mr. Feeney provided that study to the CPUC or HWG, it should have been disclosed and discussed in the DEIR. Even more recently, Mr. Feeney provided several declarations on behalf of Cal-Am in Santa Cruz Superior Court proceedings relating to the potential impacts of the project's slant test well. (*See* declarations attached as Exhibit 4 from *MCWD v. California Coastal Commission*, Santa Cruz Superior Court Case No. CV180839.) Given Mr. Feeney's conflicting conclusions concerning the viability of slant well technology and his declarations on behalf of Cal-Am, he can only be viewed as a proponent of the project.

⁵ Mr. Williams' testimony on behalf of Cal-Am in Santa Cruz Superior Court proceedings relating to the potential impacts of the project's slant test well further evidence his interest in the project. (*See* excerpts of testimony attached as Exhibit 5 from *MCWD v. California Coastal Commission*.) His bias is demonstrated by testimony that he was 100 percent confident that pumping had stabilized in the slant test well after three to five days (*ibid.*, p. 202-203), despite later test well monitoring results that show the test-well still has not stabilized, or at best did not stabilize for weeks after long term-pumping commenced. (*See* Figure 2-10 of MPWSP Groundwater Monitoring Report No. 7, available at: http://www.watersupplyproject.org/Websites/coastalwater/images/LONGTERMPUMPINGREPORTNO_7_16_Jun_15.pdf.) It is unquestionable that Mr. Williams is an advocate for the use of slant wells for the MPWSP and that he is not impartial.

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conflict of interest. Thus, while all four members of the HWG are experienced hydrologists, their clients' interests (and quite possibly their own personal financial interests) may well color their analysis. Therefore, to ensure the objectivity of the MPWSP's modeling and the adequacy of the DEIR (including the DEIR's assumptions, analysis and conclusions based on the Geoscience/HWG modeling), and to allow the Commission to exercise its "independent judgment" as required by CEQA, MCWD submits the Commission must obtain a peer review from independent hydrologists and groundwater modeling experts that do not represent clients with interests in the success of the MPWSP or its alternatives. Unless an independent peer review indicates that those assumptions, analyses and conclusions are nonetheless reliable despite the interests of Mr. Williams, Geoscience and the other members of the HWG in the project, new modeling that does not rely on the work performed by Mr. Williams, Geoscience and other members of the HWG must be undertaken by hydrologists who do not have an interest in the project.

In sum, while the courts will uphold an EIR that is not prepared directly by the lead agency if substantial evidence demonstrates that the lead agency has independently reviewed the EIR and exercised its independent judgment over the document, the courts will not permit lead agencies merely to "rubber stamp" analyses prepared by the project applicant or others without independently reviewing the analysis and the evidence in support of the analysis before circulating the document. (*See e.g., People v. County of Kern* (1976) 62 Cal.App.3d 761, 775.) Therefore, to comply with CEQA, the CPUC must allow the public and public agencies, including the parties to A.12-04-019, to comment on the substantial evidence (or lack of substantial evidence) demonstrating whether the CPUC has independently reviewed the DEIR's conclusions regarding potential groundwater impacts and alternatives. This will only be possible here if the DEIR is revised and recirculated for public comment with new modeling and analysis, performed by an independent expert, or an independent and searching peer review of the Geoscience/HWG investigation, modeling, and conclusions.

In addition to bringing to light the extent to which the conflicts discussed in the July 9 Notice may have influenced or, indeed, contaminated the environmental review process for the MPWSP, MCWD believes that the Commission, including Energy Division and its advisors and consultants, such as Environmental Science Associates ("ESA"), should disclose all of their communications with Mr. Williams and Geoscience regarding the MPWSP. The parties are entitled to know whether any biases or opinions that may have resulted from a conflict of interest have permeated the views of Energy Division staff and its advisors and consultants, which until the July 9 Notice were predicated upon the opinions of Mr. Williams and Geoscience. If that is the case, Energy Division staff and its advisors or consultants may not be in a position to exercise "independent judgment" or conduct an

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independent review of the opinions, analyses, and conclusions of Mr. Williams and the HWG. MCWD will submit a Public Records Act request for such correspondence under separate cover. As a separate matter, MCWD notes its concern that Mr. Williams' situation here, as raised in the July 9 Notice, would appear to constitute the simultaneous advocacy and advisory role in the same proceeding that is prohibited under *Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal.4th 731.

Furthermore, MCWD notes that it has not yet received written clarification from the Commission as to the extent of the Commission's search for materials responsive to MCWD's prior requests under the Public Records Act. (*See* Exhibit 6, p. 2 [letter of July 1, 2015 from Mark Fogelman to Fred Harris, requesting confirmation that files of CPUC consultants were searched].) If the Commission's prior search for materials responsive to MCWD's Public Records Act request did not include the files of its consultants, the Commission should renew its search and produce all responsive documents.

2. CEQA requires that the data, models, and assumptions used to support the MPWSP DEIR be fully disclosed to the public and public agencies.

MCWD supports the CPUC's decision to allow the parties "access to the data, models, and assumptions used by Geosciences in the hydrogeology modeling work they have performed." The July 9 Notice requests that the parties advise the CPUC in what form it would be most helpful to have data, models, and assumptions, no later than close of business on July 30, 2015. In addition to MCWD's Public Records Act request to the CPUC and its data requests to Cal-Am, dated June 8, 2015,⁶ and full disclosure of the communications and correspondence indicated in Section 1 above, the following is a list of files that MCWD requests to complete its review (requested format noted parenthetically):

1. Calibration datasets for the North Marina Groundwater Model and the CEMEX model including observed and simulated heads, and observed and simulated flows. (Excel spreadsheets.)

⁶ MCWD notes that the CPUC's and Cal-Am's responses to MCWD's initial requests are incomplete. Notably, none of the information requested in Request Nos. 6 through 13 has been provided to date, and MCWD renews its request for this information. Moreover, information received from Cal-Am to date has been in part illegible and provided in a manner and format that makes review and use of the information extremely difficult or impossible. MCWD has asked Cal-Am to cure these deficiencies, but to date it has not done so. MCWD further notes that the CPUC's limited responses to MCWD's requests have been appropriately provided in their original (electronic) format, whereas Cal-Am's responses to date have not.

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2. Spatial distribution and magnitude of recharge simulated by the Salinas Valley Integrated Ground and Surface Water Model. (ArcGIS or spatial input files with projection.)
3. Spatial distribution and magnitude of recharge used as input for the North Marina Groundwater Model and the CEMEX model. (ArcGIS or spatial input files with projection.)
4. Spatial distribution and magnitude of recharge assigned in the scenario versions of the North Marina Groundwater Model and the CEMEX models used to predict impacts. (ArcGIS or spatial input files with projection.)
5. ET rates and extinction depths assigned in the North Marina Groundwater Model and the CEMEX model. (ArcGIS or spatial input files with projection if spatially variable, otherwise the scalar values.)
6. Location, stage, and conductance for all rivers and other water bodies simulated in the North Marina Groundwater Model and the CEMEX. (ArcGIS or spatial input files with projection.)
7. Boundary assignments and fluxes for the North Marina Groundwater Model and the CEMEX model.
8. Spatial distribution and magnitude of pumping (and injection) assigned in the North Marina Groundwater Model and the CMEX model by model layer. (ArcGIS or spatial input files with projection.)
9. All files necessary to independently run the North Marina Groundwater Model.
10. All files necessary to independently run the CEMEX model
11. Lithological logs and geophysical logs for the Test Slant Well, MW-1, MW-2, MW-3, MW-4 and MW-5.
12. Excel Spreadsheets of transducer data and hand water level measurements used to create the graphs in both the following reports:
 - In the latest Test Slant Well Long Term Pumping Monitoring Report available, currently Test Slant Well Long Term Pumping Monitoring Report No. 12 (8-July-15 - 15-July-15) Dated July 21, 2015 [Data sets for Figures 2-1 through 2-11],
 - Baseline Water and Total Dissolved Solids Levels Test Slant Well Area, Submitted to the Hydrogeologic Working Group Dated April 20, 2015, [Data sets for Figures 2-1 to 2-8].

MCWD further notes this information should be available to the public and public agencies if requested, regardless of whether or not they are parties to the proceeding. (*See*

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Citizens for Ceres, supra, 217 Cal.App.4th at p. 921; *Communities for a Better Environment v. City of Richmond, supra*, 184 Cal.App.4th at p. 88.)

3. CEQA mandates that the CPUC revise and recirculate the MPWSP DEIR as a joint CEQA/National Environmental Policy Act (“NEPA”) Document.

MCWD joins the request of the Monterey Bay National Marine Sanctuary (“Sanctuary”) that the CPUC revise and recirculate the MPWSP environmental document as a joint CEQA/NEPA document.

CEQA expressly contemplates that there will be projects in which both CEQA and NEPA apply and it specifically provides for such occasions. (*See, e.g.*, Pub. Resources Code §§ 21083.5–21083.7; CEQA Guidelines, §§ 15220–15229, 15063, subd. (a)(2), 15361.) CEQA emphasizes agency cooperation and coordination. “When a project is subject to both CEQA and NEPA, state and local agencies are *directed to cooperate with federal agencies ‘to the fullest extent possible* to reduce duplication between [CEQA] and [NEPA],’ and such cooperation should, if possible, include: “(a) Joint planning processes, [¶] (b) Joint environmental research and studies, [¶] (c) Joint public hearings, [and ¶] (d) Joint environmental documents.” (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 278-79, citing CEQA Guidelines, § 15226.)

The CEQA Guidelines make specific provisions for a “lead agency to avoid duplication in cases where the project is subject to both CEQA and NEPA by either (1) preparing joint environmental documents with the federal agency (CEQA Guidelines, §§ 15222–15223), or (2) consulting with the federal agency with the goal that the environmental documents prepared by the federal agency (an EIS or FONSI) will be suitable for use by the lead agency in lieu of an EIR or negative declaration (CEQA Guidelines, §§ 15221, 15223).” (*Nelson v. County of Kern, supra*, 190 Cal.App.4th at pp. 278-79.) Here, MCWD submits that it would be more appropriate to revise and recirculate the DEIR as a joint CEQA/NEPA document than to abandon the existing, flawed DEIR and to rely on the Sanctuary’s EIS given the complex local groundwater issues and regulations that are unlikely to be adequately addressed in the Sanctuary’s Environmental Impact Statement (“EIS”).

Moreover, as the Sanctuary has pointed out, the DEIR has multiple defects that independently require recirculation, including but not limited to: (1) the DEIR’s failure to incorporate the “test slant well water quality result”; (2) the DEIR’s inadequate cumulative impacts discussion; (3) the DEIR’s inadequate analysis of the MPWSP Variant; and (4) the DEIR’s failure to meaningfully assess open water intakes (like the People’s Moss Landing project) and other potentially feasible alternatives. (*See* Sanctuary’s Comment letter, Attachments A & B.)

MCWD adds that the DEIR's rejection of the People's Moss Landing project ostensibly because "the CPUC has no jurisdiction, the applicant has not yet engaged in any formal environmental review processes, project effects cannot be reasonably ascertained and the timing of its implementation remains uncertain" is no longer accurate and the DEIR must be revised and recirculated with an analysis of this potentially feasible alternative. The Moss Landing Harbor District recently released a Notice of Preparation ("NOP") of an EIR for the People's Moss Landing Water Desalination Project (hereafter, "People's Project"). (See [http://www.mosslandingharbor.dst.ca.us/downloads/NOP_Peoples%20Desal%20-%20Final%20for%20Publication%20-%202015JUN25%20\(2\).pdf](http://www.mosslandingharbor.dst.ca.us/downloads/NOP_Peoples%20Desal%20-%20Final%20for%20Publication%20-%202015JUN25%20(2).pdf).) The fact that the release of an NOP for the People's Project was imminent prior to release of the DEIR could easily have been ascertained had the CPUC contacted the Moss Landing Harbor District. There is no question whether the lead agency (Moss Landing Harbor District) will *consider* approving the project. Thus, the fact that the CPUC does not itself have jurisdiction to approve the People's Project does not provide grounds for excluding this alternative under CEQA. Moreover, any uncertainty regarding the timing of the approval of the People's Project applies equally to the MPWSP as both projects are currently undergoing environmental review. Rushing the MPWSP's environmental review, without adequate modeling, is not sufficient grounds for excluding the People's Project, as it is at minimum a potentially feasible alternative.

4. MCWD's Preliminary Statement Regarding Groundwater Analysis and the Need to Revise and Recirculate the DEIR.

Based on MCWD's participation in the Regional Desalination Project and its more recent involvement in environmental review process and litigation relating to Cal-Am's slant test well for the MPWSP, MCWD is intimately familiar with the public's long-standing concerns relating to the project's potential groundwater impacts to the SVGB. While all of this history is relevant to understanding the project, it is familiar to the Commission and so we do not recount it all here.⁷ However, we do provide a summary of more recent events

⁷ Briefly, MCWD notes the several of the differences between the Regional Desalination Project that the Commission approved in D.10-12-16 and the MPWSP. The Regional Desalination Project provided for public ownership of the intake and desalination facilities, relied on MCWD's existing groundwater rights in the SVGB and its agreement to reduce existing pumping sufficient to offset withdrawal of the groundwater component of project sourcewater from the SVGB, provided for testing to determine which of vertical or slant wells would perform best and have the least environmental impact, and provided for well-testing and comprehensive groundwater modeling with public agency participation that would require the parties and the Commission to explore other alternatives if test results did

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that should be part of the administrative record and which demonstrate the lack of substantial evidence supporting the DEIR's groundwater analysis and the need for recirculation to comply with CEQA. We also note that the State of California, by and through the recently-enacted Sustainable Groundwater Management Act ("SGMA"), has clarified that the sustainability and management of groundwater resources is a critical issue for local agencies that is to be given special protection under the police powers granted them under the SGMA.

- a. **Testimony from HWG and CPUC representatives during the slant test well environmental review by the City of Marina led the City and the public to believe that test well data was necessary and that it would be used in the DEIR to evaluate the MPWSP's groundwater impacts.**

Cal-Am sought approval from the City of Marina to construct a slant test well ostensibly because it needed the data for the DEIR here. It asserted that the timing for the slant-test well project was critical for the purposes of satisfying the State Water Resources Control Board ("SWRCB") requirement to assess the feasibility of slant wells for the MPWSP and to compile baseline information for the project's modeling and environmental review. As part of this process, representatives of the HWG and CPUC stressed the importance of the test well to validate the MPWSP's modeling so the EIR could accurately assess the MPWSP's potential groundwater impacts. Martin Feeney of the HWG testified:

The test well is essential for being able to get the data that allows us to validate the models so that we can actually predict the impacts that go into the EIR. We're at the point now where you can wave your arms about the geology, but we need some real data. We need to stress the system with the test well and to figure out how the system actually reacts so we can answer the questions about water rights, impacts, all those things come out of the actual testing of the test well and looking at the impacts in the monitoring wells that we're putting in around it to see how the whole system reacts. *This is about a test well that helps us define the actual response of a system to the pumping so that we can accurately look at the impacts.*

... What is the impact to the basin? You know, what is the impact to existing users? You know, I'm being paid by the farm — farmers because they are concerned. It's about the impacts to the basin. So we got together, and that's the point is to figure out when you test this well, can it be done without

not bear out the projections relied upon for environmental review and approval, thus ensuring a transparent process and flexibility in the direction of the project.

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impacts? Can it be done that it only takes seawater? That's the purpose of this. It's a feasibility study.

My personal — my personal opinion is this is a little dicey. It may not work. Other people have a different opinion. They think it's going to work fine. That's fine. We're to the point now where it's just opinion among a bunch of qualified experts. We need to actually drill this thing and stress it. That's the point.

So we get the monitoring wells, we get around the pumping well on all sides, we will be able to see what the draw-down effects are, and to be able to build a better groundwater model so that the full-scale project, should it be moved forward, that the modeling that's in the EIR, the full EIR, can accurately model the impacts of the full-scale project. We can't build a model to look at the full-scale project until we know what the aquifer parameters are, the transmissivity, the storativity, and what the boundary condition does to the well draw-down. That's the deal.

(City of Marina transcript, pp. 110-111, 295-297, attached as Exhibit 7, emphasis added.)

Eric Zigas of ESA, the CPUC's environmental consultant, also testified about the importance of the test well to inform the EIR's analysis:

And the Hydrogeology Work Group, you just heard Martin tell you, they struggled with concepts and understanding, and they've come to what I think is a common understanding of how the basin works.

... *But uncertainty really is a — makes for risky decisions*, and risk can be reduced by gaining knowledge, and the knowledge you can gain from the test well will benefit not only Cal-Am, it will benefit every basin user.

... *We will also be able to tell you with certainty what the impacts are associated with their wells, but we will only (sic) be able to model it without the well. We won't have real data. Okay?*

So I do encourage you to learn more about your basin, be better informed. *When we come back in a year with Cal-Am's application for the Coastal Development Permit, that conversation should be more informed. It should be informed by data and information, and that information will be obtained*

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through this test well. Reduce your risk. Go ahead and learn the knowledge.
Learn more about your basin.

(City of Marina transcript, pp. 111-118, attached as Exhibit 7, emphasis added.)

Thus, both the HWG's and the CPUC's representatives testified that the slant test well data was needed in order to accurately model the project's potential impacts to groundwater in the MPWSP EIR. Despite this, the data was not included in the DEIR. This testimony provides ample evidence demonstrating that revision and recirculation are required here. MCWD also notes that Mr. Zigas' testimony, which appears to assume that approval of the MPWSP by the CPUC has been pre-determined, indicates a fundamental failure by the Commission to engage in the independent analysis that CEQA requires.

b. Slant Test Well Review at the Coastal Commission.

When the City of Marina determined that an EIR was required before it could consider granting Cal-Am's application for a coastal development permit ("CDP") for the slant test well, Cal-Am chose not to work with the City and instead appealed the City's denial of the permit application without prejudice to the Coastal Commission. As the DEIR recognizes, the Coastal Commission approved CDPs for the MPWSP's slant test well at the CEMEX site in November of 2014. The Coastal Commission issued the approvals over the objections of MCWD and others that approval of the slant test well was premature because it improperly segmented the test well from the whole of the MPWSP, failed to analyze and mitigate the test well's potential impacts to the SVGB, failed to consider feasible alternative sites, and usurped the City of Marina's land-use authority, among other defects. (*See* MCWD Comments to Coastal Commission, attached as Exhibit 8, and Complaint in *MCWD v. California Coastal Commission*, Santa Cruz Superior Court Case No. CV180839, attached as Exhibit 9.) When the Coastal Commission approved the slant test well, the Coastal Commission overrode the slant test well's significant and unavoidable impacts to Environmentally Sensitive Habitat Areas or "ESHA" (Coastal Commission findings, pp. 3 and 66, attached as Exhibit 10) and the project's inconsistency with the City of Marina's LCP (*id.*, pp. 38, 59, and 62.) Its findings stated that the slant test well was needed to assess the feasibility, environmental setting, and design of the MPWSP:

... pumping and water quality testing to be conducted during the slant well test is necessary to inform the design of a potential full-scale facility. Other actions, such as drilling additional boreholes or conducting additional modeling, would not be sufficient to characterize the site and its potential to provide source water.

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(*Id.*, p. 60, emphasis added.) When MCWD sought injunctive relief in its lawsuit to enjoin construction and operations of the slant test well, the Coastal Commission, SWRCB, and Cal-Am argued that any delays to the slant well were against the public interest because the information from the slant test well was necessary to inform the MPWSP's feasibility and environmental review, that is, the DEIR. (*See* Oppositions, attached as Exhibit 11.)

The Coastal Commission, SWRCB, and Cal-Am statements regarding the necessity of the slant test well to inform the CPUC's environmental review provides additional evidence that revision and recirculation of the DEIR is necessary to comply with CEQA. The CPUC should fully incorporate the test well data in its updated modeling prior to recirculating a revised DEIR.

c. Shutdown of the Slant Test Well Provides Further Evidence that the DEIR's Description of the Baseline/Environmental Setting is Inadequate and that the DEIR's Modeling and Impact Analysis Are Not Supported by Substantial Evidence.

The DEIR contains an inadequate description of the baseline/environmental setting for groundwater in the Marina Subarea of the SVGB. The flaws in the DEIR are very similar to the flaws in the Coastal Commission's analysis prepared for the MPWSP slant test well. The recent shutdown of the MPWSP slant test well for violating Coastal Commission Special Condition No. 11's drawdown prohibition is illustrative of the problems associated with the DEIR's failure to identify baseline conditions in the project area.

First, there was no pre-defined water level for the Coastal Commission to measure the 1.5-foot drawdown limit in Special Condition No. 11. Therefore, it was unclear exactly when the test well had to be shut down and what baseline level to use in order to measure the project's drawdown. (*See* MCWD June 26, 2015 letter and HGC memorandum to Charles Lester regarding Cal-Am's compliance with Special Condition No. 11 attached as Exhibit 12.)

Second, due to lack of baseline information there was no way for anyone to determine with any level of confidence how much of the drawdown at Monitoring Well No. 4 (MW-4) was due to the test well versus other potential causes. (*Ibid.*) The allegedly neutral HWG initially found the "general consensus of the HWG based on examination of fluctuations and trends in water levels, was that the observed fluctuations and downward trends were not due to Test Slant Well pumping but rather the result of irrigation pumping cycles and/or regional seasonal fluctuations." (*See* HWG Memo, dated June 10, 2015, attached as Exhibit 13.) Then

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a week later, the HWG provided another memo arguing that the slant test well was not the cause of the drawdown:

Even under a worst case scenario relating to factors/causes of the regional water level declines and slight changes in the downward trend of those declines (i.e., not caused by changes in inland pumping or outside influences), it seems clear from the data collected so far that if there is any drawdown at MW-4S and/or MW-4M—it is less than 0.5 feet and probably closer to 0.2 to 0.3 feet. Given an allowable drawdown of 1.5 feet, the water levels are well within the allowable limit.

(HWG Memo, dated June 22, 2015, attached as Exhibit 14.) The water levels were not within the allowable limit.

In the end, the Coastal Commission agreed with MCWD that the test well had exceeded the drawdown limits of Special Condition No. 11 and, therefore, a permit amendment is required before Cal-Am may be allowed to restart pumping at the slant test well. (Coastal Commission letter to Cal-Am, dated July 3, 2015, attached as Exhibit 15.) Importantly, the Coastal Commission noted that the limited monitoring to date required a better characterization of the environmental setting/baseline prior to consideration of an amendment to the test well permit, including:

13. **Characterization of local/regional effects:** The available data suggest the monitoring results are affected by several elements other than the pump test – e.g., regional pumping regimes, daily changes in agricultural pumping, etc. We recommend the application for the proposed amendment identify and incorporate the likely effects of those elements on the data. For example, the HWG surmises that a regular pattern observed in the data is due to seasonal increases in agricultural pumping, of pumping being reduced on Sundays, etc. We recommend the application include available data to support those assumptions.
14. **Effects on different aquifers:** The available monitoring data show that the three aquifers underlying the area have different characteristics – e.g., confined, semi-confined, and unconfined – and are affected differently by the pump test and the other factors. We recommend that Cal-Am consider whether the application should include separate, specific thresholds that can be used to measure the potential effects of the test well on each of the aquifers.
15. **Water and TDS levels:** The available monitoring data suggests the changes in water and TDS levels may be better described not as single values but as a range or trend in the data. We recommend that Cal-Am consider whether the application should

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include proposed thresholds that better reflect the identified trends in the monitoring data.

(*Ibid.*) The Coastal Commission's determination that additional information is needed to establish the baseline for the slant test well at the CEMEX site and to assess its potential impacts alone demonstrates why revision and recirculation of the DEIR is required here. Presumably if this information is critical to understanding the impacts of the slant test well, it is equally if not more critical to understanding the impacts of the overall MPWSP.

5. Recirculation Would Also Allow the CPUC to Address the Inadequate Notice of Availability ("NOA") and Access to Documents Cited in DEIR.

The public has a right to review documents referenced in the DEIR during the public comment period. Public Resources Code section 21092, subdivision (b)(1) requires that the CEQA notice for an EIR must include "the address where copies of the draft environmental impact report *and all documents referenced in the draft environmental impact report ... are available for review.*" (Pub. Resources Code, § 21092, subd. (b)(1), emphasis added.) This mandate was ignored here. As indicated in MCWD's prior letters to the CPUC and its motion to the Administrative Law Judge assigned to this matter, the Notice of Availability released by the CPUC on April 30, 2015, did not comply with CEQA's requirements that the notice identify where all documents referenced in the DEIR are available for public review during normal business hours. (See Exhibit 16, including correspondence and motion.) The Guidelines state that a Notice of Availability for an EIR shall disclose the following:

The address where copies of the EIR and all documents referenced in the EIR will be available for public review. ***This location shall be readily accessible to the public during the lead agency's normal working hours.***

(CEQA Guidelines, § 15087, subd. (c)(5), emphasis added.) The public notice must also be posted for at least 30 days in the office of the county clerk of the county or counties in which the project will be located. (Pub. Resources Code, § 21092.3; CEQA Guidelines, § 15087, subd. (d).)

CPUC staff has admitted that the April 30, 2015, Notice of Availability failed to comply with the required procedures because it did not indicate where any of the documents referenced in the DEIR are available for review, either in Monterey County or at the CPUC. Hence, the Notice of Availability for the MPWSP DEIR did not provide the public the required information about the location of all documents referenced in the DEIR. Even more problematic, the CPUC failed to comply with the purpose behind the requirement—i.e., to

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provide **ready public access** to the documents referenced and relied on in the DEIR. In the process of completing MCWD's review of the entire DEIR and its Appendices and preparing to submit comments on the DEIR, MCWD took steps to gain access to the documents referenced and relied on in the DEIR and Appendices beginning on June 11, 2015. However, it took multiple inquiries and significant efforts on the part of MCWD to gain access to only some of these documents, which prejudiced MCWD in its ability to comment on the DEIR's analysis, mitigation, and alternatives. (*See* Exhibit 16, specifically MCWD's June 26, 2015 letter.)

In addition to the prejudice to MCWD, to MCWD's knowledge, the DEIR and the NOA failed to provide the public, other parties, and other public agencies with notice that the documents referenced in the DEIR were available for review as required by CEQA. Thus, the public, the other parties, and other public agencies have to date been deprived of the ability to independently review the DEIR's conclusions when preparing their comments on the DEIR. As a result, CEQA's "important function of enabling the public to make an 'independent, reasoned judgment' about a proposed project" has been thwarted. (*See Emmington v. Solano County Redevelopment Agency* (1987) 195 Cal.App.3d 491, 503.) As recently explained in *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 652-53:

When the informational requirements of CEQA are not complied with, an agency has failed to proceed in "a manner required by law" and has therefore abused its discretion. Furthermore, when an agency fails to proceed as required by CEQA, harmless error analysis is inapplicable. **The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decision-making and informed public participation.** Case law is clear that, in such cases, the error is prejudicial.

(Emphasis added.)

Therefore, MCWD renews its request that the CPUC issue a revised Notice of Availability disclosing to the public and public agencies where the documents referenced in the DEIR may be reviewed during the CPUC's business hours as required by CEQA, and that it make those documents readily accessible to the public for the entire comment period as required by CEQA.

Notably, the prejudice cannot be fully cured as a practical matter by merely providing additional time because the CPUC's failure to promptly recirculate the notice and restart the comment period, as timely requested by MCWD, has put individuals and public agencies

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through the expense and difficulty of preparing and submitting their comments without the benefit of statutorily-required access to materials relied on in the DEIR. It is unclear whether those parties will bear the cost and effort of submitting supplemental comments that the CPUC would not be obligated to respond to in its Final EIR.

Finally, the failure to provide access to the required materials relied on in the DEIR, or even to assemble those materials for inspection and copying, renders the analyses and conclusions contained in the DEIR inherently flawed since the public cannot fully understand the underpinnings of those analyses and conclusions. Given the extended public comment period, the CPUC must, at minimum, provide a revised NOA alerting the public and public agencies where documents referenced in the DEIR can be reviewed as required by CEQA.

6. Recirculation Would Also Allow the CPUC to Correct the Inadequate Notice of and Public Access to the Original EIR.

The CPUC provided inadequate public notice and access for the original DEIR. Section 1.2.2 of the DEIR's Introduction states that "[p]ursuant to CEQA Guidelines Section 15162, the CPUC determined that preparation of a Subsequent EIR is the appropriate level of CEQA review for the MPWSP that the EIR is a supplemental EIR ... [and] there are no special procedural requirements that apply to a Subsequent EIR...." This statement is inaccurate. CEQA Guidelines Section 15162 expressly states that a "subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed." The DEIR failed to acknowledge this procedural requirement or disclose to the public or public agencies where the prior EIR is available and can be reviewed. Because of this failure, the public and public agencies have not been afforded the opportunity to assess whether the changes to the project, the mitigation measures, or the discussion of alternatives have altered the project in ways that cause additional or more severe environmental impacts. This is a prejudicial error.

Given the extended public comment period, the CPUC should at minimum provide notice to the public and public agencies where the original EIR can be reviewed so the public has the opportunity to comment on the adequacy of the DEIR with full knowledge of the analysis included in the original EIR.

7. The CPUC Must Revise and Recirculate the DEIR; MCWD Recommends the CPUC Recirculate the DEIR as a Programmatic Level EIR.

CEQA Guidelines Section 15088.5 provides for recirculation of an EIR prior to certification when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. The term

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“information” can include changes in the project or environmental setting as well as additional data or other information.

The key concern of MCWD and other interested parties through the environmental review process has been whether and to what extent the MPWSP will impact groundwater resources in the SVGB and Marina Subarea of the SVGB. Despite MCWD’s objections to the slant test well prior to a programmatic analysis of the MPWSP and without adequate mitigation, the results from the slant test well’s monitoring program constitute the best available evidence of the types of impacts that could result from implementation of the MPWSP. Thus, circulating the DEIR for public review and comment without using this information deprives the public of a meaningful opportunity to consider this best information and fully understand the project’s potential impacts on the SVGB.

It is not enough for the CPUC to consider this information in approving the project. The information must be in the DEIR. Approving the project without circulating this crucial data in the DEIR violates CEQA’s fundamental principles as illustrated by *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95-96 (*Cadiz*). In *Cadiz*, the petitioner’s comments on a draft EIR and a supplement to the draft EIR, including the consultant’s report, noted that the EIR could have included an estimate of the groundwater volume in the aquifer. According to the court, upon receipt of these comments, “the [lead agency] should have revised the EIR to include such information, along with a discussion of the estimated date of depletion of the aquifer water.” (*Id.* at p. 95.) Acknowledging that the agency’s decisionmakers considered this information before approving the project, the court nevertheless held that the consultant’s report constituted “significant new information” within the meaning of Public Resources Code section 21092.1, and that “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.” (*Ibid.*) The same result should follow here.

MCWD continues to stress that Cal-Am’s slant test well at the CEMEX site should not have proceeded and should not resume pumping without an adequate analysis of the MPWSP’s feasible alternatives and feasible mitigation for the slant test well’s impacts. This has not occurred to date. Therefore, MCWD requests the CPUC include the slant test well at the CEMEX site, including in the discussion of alternatives and cumulative impacts, in its revised and recirculated DEIR for the MPWSP. Alternatively, the CPUC should explain why the CEMEX slant test well is not part of the MPSWSP DEIR alternatives discussion, but the Potrero Road Slant Test Well Alternative is included. While MCWD is not necessarily opposed to the CPUC’s approval of the Potrero Road Slant Test Well Alternative, assuming its impacts are adequately analyzed and mitigated, MCWD is puzzled by the

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inconsistent treatment of the test well alternatives. Given the lack of currently available information to draw any supportable conclusions regarding the MPWSP's potential impacts on the SVGB and Marina Subarea, MCWD respectfully suggests that the CPUC revise the DEIR's analysis of intake options on a programmatic level with project specific analyses of the possible slant test wells and other feasible alternatives for subsurface intakes prior to recirculation. Such a process would ensure that if and when the CPUC approves a final intake option for the MPWSP it is feasible and fully mitigates groundwater impacts. Alternatively, the DEIR must be recirculated due to the lack of evidence to support the DEIR's conclusion that the proposed project's impacts on the SVGB and Marina Subarea are less than significant.

8. Conclusion.

MCWD requests the DEIR be revised and recirculated as a joint CEQA/NEPA document. Due to the significant nature of the revisions that are likely required to comply with CEQA (and NEPA), MCWD believes it would waste public resources to require comments on the current version of the MPWSP DEIR. However, MCWD will provide its comments by September 30, 2015, if the document is not recirculated. MCWD encourages the CPUC to make an informed decision on recirculation as soon as possible so that further public resources are not wasted on evaluating the current inadequate and incomplete DEIR. If you have any questions regarding MCWD's requests for the DEIR's assumptions, data, and modeling, please feel free to contact me.

Sincerely,



Mark Fogelman

Attachments

cc: MCWD Board of Directors (w/ att.)
MCWD General Counsel, Roger Masuda, Esq. (w/ att.)
Service list, A.12-04-019 (w/o att.)

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List of Attachments:

- Exhibit 1 – CPUC Response to MCWD Data Request, dated July 1, 2015.
- Exhibit 2 – Response of Cal-Am to MCWD Data Request, dated June 15, 2015.
- Exhibit 3 – CAW-MCWD 04791-04794.
- Exhibit 4 – Declarations from *MCWD v. California Coastal Commission*.
- Exhibit 5 – Excerpts of testimony from *MCWD v. California Coastal Commission*.
- Exhibit 6 – Letter from Mark Fogelman to Fred Harris, dated July 1, 2015.
- Exhibit 7 – City of Marina transcript, dated September 3, 2014.
- Exhibit 8 – MCWD Comments to Coastal Commission, dated November 7 and 12, 2014.
- Exhibit 9 – Complaint in *MCWD v. California Coastal Commission*
- Exhibit 10 – Coastal Commission findings for slant well, dated November 12, 2014.
- Exhibit 11 – Opposition Briefs filed in *MCWD v. California Coastal Commission*.
- Exhibit 12 – MCWD letter and HGC memorandum to Charles Lester, dated June 26, 2015.
- Exhibit 13 – HWG Memorandum, dated June 10, 2015.
- Exhibit 14 – HWG Memorandum, dated June 22, 2015.
- Exhibit 15 – Coastal Commission letter to Cal-Am, dated July 3, 2015.
- Exhibit 16 – MCWD letters to the CPUC and motion to the Administrative Law Judge.

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September 3, 2015

BY OVERNIGHT DELIVERY

Geoscience Support Services Inc.
620 Arrow Highway
Suite 2000
LaVerne, CA, 91750
Attn: Mr. Johnson Yeh

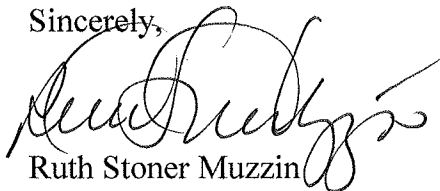
Re: A.12-04-019 - Monterey Peninsula Water Supply Project,
July 9, 2015 Notice re Release of Groundwater Modeling and Data

Dear Mr. Yeh:

Pursuant to instruction provided today by Eric Zigas of ESA, as reflected in the enclosed e-mail printout, enclosed please find a 2 TB external hard drive. Kindly return the loaded drive to me at the above address by overnight delivery as soon as possible. A return Federal Express label is enclosed for your use in returning the drive to me.

If there are any questions or problems concerning this matter, please feel free to contact me at 415-834-3818. Thank you in advance for your courtesy and anticipated expeditious loading of the hard drive.

Sincerely,



Ruth Stoner Muzzin

Enclosure

cc (via e-mail):

Eric Zigas
Mary Jo Borak
Mark Fogelman, Esq.

From: Eric Zigas <EZigas@esassoc.com>
Sent: Thursday, September 03, 2015 1:03 PM
To: Juliet Quiambao
Cc: Johnson Yeh; Koltz, Jonathan; Mary Jo Borak (maryjo.borak@cpuc.ca.gov); Lewis, Kenneth
Subject: RE: CPUC A.12-04-019 - Correspondence to Borak from Muzzin re MPWSP, July 9, 2015 Notice re Release of Groundwater Modeling and Data

On behalf of the CPUC Energy Division, we are requesting MCWD send a 2 Terabyte (TB) Hard Drive to the following address, with instructions on where to return it. It will be returned next week, fully loaded with the GW modeling data.

Geoscience Support Services Inc
620 Arrow Highway
Suite 2000
LaVerne, CA, 91750

Attn: Johnson Yeh

Thank-you!
--EZ

From: Juliet Quiambao [<mailto:jQuiambao@friedmanspring.com>]
Sent: Friday, August 21, 2015 12:27 PM
To: MPWSP-EIR
Cc: michael@rri.org; DFranklin@SheppardMullin.com; rmcglothlin@bhfs.com; norm@montereycfb.com; ronweitzman@redshift.com; JRBobMcK@gmail.com; nisakson@mbay.net; GeorgeTRiley@gmail.com; attys@wellingtonlaw.com; tfrutchev@ci.pg.ca.us; dave@laredolaw.net; rcsq.carlos@gmail.com; lhorton@adamsbroadwell.com; ross@smwlaw.com; sarah.leeper@amwater.com; jr5@cpuc.ca.gov; Mark Fogelman; jfarrow@mrwolfeassociates.com; LarrySilver@earthlink.net; dcarroll@downeybrand.com; jminton@pcl.org; ek@a-klaw.com; jgeever@surfrider.org; kstrong@gordonrees.com; lminky@bhfs.com; sdamron@surfrider.org; filings@a-klaw.com; don.evans8@gmail.com; email@Geoscience-water.com; jdriscoll@allenmatkins.com; ACerasuolo@amwater.com; david.sousa@amwater.com; kevin.tilden@amwater.com; robert.maclean@amwater.com; tim.miller@amwater.com; pfindley@rbf.com; ahowe@surfrider.org; jshoaf@bhfs.com; rdrake@bhfs.com; ffarina@cox.net; mckeecj@co.monterey.ca.us; awhite@mclw.org; ChardavoyneDE@co.monterey.ca.us; janetb@montereybay.com; engellj@comcast.net; llowrey@nheh.com; llowrey@nheh.com; jason@burnettforcarmel.com; iga@att.net; jheitzman@mcwd.org; directorshrinergmail.com; keith@mrwpca.com; paul@mrwpca.com; DStoldt@mpwmd.net; atersol@gmail.com; Catherine.Bowie@amwater.com; heidi@laredolaw.net; GeneralManager@mpccpb.org; Andrew.Homer@amwater.com; Cynthia.Russell@amwater.com; Nicholas.Subias@amwater.com; nina.suetake@amwater.com; rbm@landwater.com; Anna.Shimko@SedgwickLaw.com; Sigrid.Waggener@SedgwickLaw.com; Ruth Muzzin; Eric Zigas; BMooney@GordonRees.com; ldolqueist@manatt.com; VidhyaPrabhakaran@dwt.com; JMcTarnaghan@PerkinsCoie.com; jbrezack@brezack.com; erobinson@kmtg.com; blaising@braunlegal.com; red@eslawfirm.com; Richard.Svindland@amwater.com; ca.rates@amwater.com; chris.ungson@cpuc.ca.gov; jonathan.koltz@cpuc.ca.gov; richard.rauschmeier@cpuc.ca.gov; vt4@cpuc.ca.gov; ako@cpuc.ca.gov; jzr@cpuc.ca.gov; jmi@cpuc.ca.gov; llj@cpuc.ca.gov; mpo@cpuc.ca.gov; mz3@cpuc.ca.gov; pva@cpuc.ca.gov; rkk@cpuc.ca.gov; srt@cpuc.ca.gov; sst@cpuc.ca.gov; sr4@cpuc.ca.gov; ts2@cpuc.ca.gov
Subject: CPUC A.12-04-019 - Correspondence to Borak from Muzzin re MPWSP, July 9, 2015 Notice re Release of Groundwater Modeling and Data

Dear Ms. Borak:

Please find attached correspondence of today's date from Ruth Stoner Muzzin in connection with the above-referenced matter.

Please do not hesitate to contact our office if you have any questions.

Juliet M. Quiambao | Legal Secretary
Friedman & Springwater LLP
33 New Montgomery, Suite 290 | San Francisco, CA 94105

☎ 415.834.3800 | 📠 415.834.1044
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