

LAW OFFICE
RICHARD H. ROSENTHAL

P.O. BOX 1021, CARMEL VALLEY, CA 93924
(831) 625-5193
FAX (831) 625-0470

000.25.01.27.GeorgeRiley

27 January, 2025

Mr. George Riley, Chairman
Monterey Peninsula Water Management District
Monterey, CA. 93942

Via Email

Re: Comments on Second Reading of Ordinance 197 and Request for Continuance of Hearing

Chairman Riley and members of the Board:

Save Our Peninsula Committee (SOP) submits the following comments on Ordinance 197 and requests the Board to continue the hearing on the second reading of Ordinance 197. The comments concerning the potential impacts from distributing allocations of water from the Pure Water Monterey Expansion Project (PMW) and the request to continue the hearing are based upon the following.

Request for Continuance. According to the proposed Addendum (page 3), the PWM is not anticipated to be on line until the end of 2025. Moreover, the proposed Ordinance requests jurisdictions not to allocate water to projects that will be completed prior to December 31, 2025. Further, as stated on page 2 of the proposed Addendum, “the District manages the allocation program on an ongoing basis. Each time a jurisdiction issues a permit for new development, the District issues a water permit and subtracts the water demand estimate for that project from the applicable jurisdiction’s allocation balance.” Ordinance 197 also indicates PMW must receive an approval from the City of Marina. Thus, time is not of the essence in adopting Ordinance 197 and the adoption of the Ordinance at this time is premature. Consequently, it is requested that the consideration of the Ordinance be continued.

Comments. 1. The District should further consider environmental impacts and environmental justice issues prior to setting new allocations. Although additional environmental review was undertaken, including the proposed Addendum that considered adjustments for 6th Cycle Regional Needs, the review did not consider potential impacts from builder remedy projects which may be developed because an entity that would receive an additional allocation is not in compliance with the State’s housing laws. I call the Board’s attention to a recent article in the Coast Weekly, January 16-22, which outlines the potential significant impacts from Builder Remedy projects.

2. Page 3 of the proposed Addendum states that the “District would consider several factors when determining the allocation, including but not limited to historical average water consumption data, water production data, water availability, and estimates of job and population

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growth for each jurisdiction based on the Association of Monterey Bay Area Governments (AMBAG) 2022 Regional Growth Forecast.” The list of factors to be considered by the District should be expanded to include whether an entity considered for an allocation is in compliance with the State’s housing laws. Specifically, if an entity is not in compliance with such laws, the District should not allocate additional water to such an entity.

3. Further, to minimize the impacts from the allocation of newly allocated PMW, the District should consider conditioning the use of newly allocated PMW water specifically for low, below low, and moderate income, infill housing. This could be considered a mitigation measure or an alternative to the completed environmental documents. The District previously raised concerns regarding the control over water allocations to the local agencies. Rule 30 (C) seems broad enough to permit the District to effectively manage allocations and entitlements to reduce potential environmental impacts and environmental justice issues. Without controls, Builder Remedy projects as described in the Coast Weekly will likely be approved with the new water prior to even the County’s Housing Element being approved by the State.

For the above referred to reasons, SOP request the Board to continue the hearing and consider the offered comments and suggestions.
If you have any questions please feel free to contact me.

Sincerely,

LAW OFFICE OF RICHARD H. ROSENTHAL

BY: _____/S/_____
RICHARD H. ROSENTHAL
On behalf of Save Our Peninsula Committee

Cc: Sara Reyes, David Stoldt