

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660

FAX: (650) 589-5062

ychaver@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201

FAX: (916) 444-6209

DANIEL L. CARDOZO
CHRISTINA M. GARO
YAIR CHAVER
SARA F. DUDLEY
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
KYLE C. JONES
RACHAEL E. KOSS
NIRIT LOTAN
CAMILLE G. STOUGH

MARC D. JOSEPH
Of Counsel

July 12, 2019

AGENDA ITEM No. 1

Via Email Only

Mr. John Phillips, Chair of the Board

district2@co.monterey.ca.us

Mr. Chris Lopez, Vice Chair of the Board

district3@co.monterey.ca.us

Mr. Luis Alejo

district1@co.monterey.ca.us

Ms. Jane Parker

district4@co.monterey.ca.us

Ms. Mary Adams

district5@co.monterey.ca.us

Via Email and US Mail

Valerie Ralph, Clerk of the Board

Clerk of the Board

P.O. Box 1728

Salinas CA, 93902

COB@co.monterey.ca.us

**Re: Letter in Support of Appeal of Monterey County Planning
Commission Approval of Monterey Peninsula Water Supply Plan
– Desalination Plant (PLN150889)**

Dear Chair Phillips and Board Members:

We are writing on behalf of **California Unions for Reliable Energy (“CURE”)** in support of Marina Coast Water District’s (“MCWD”) and Public Water Now’s (“PWN”) appeals of the Monterey County Planning Commission’s approval of the Combined Development Permit (PLN150889) (“Permit”) for a Reverse-Osmosis

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Desalination Plant ("Project"). We urge the Board of Supervisors to reverse the Planning Commission's decision to approve the Permit for the Project.

The Project is part of a larger project called the Monterey Peninsula Water Supply Project ("MPWSP"). The MPWSP is proposed by California American Water Company ("CalAm") to deliver water to CalAm's Monterey District service area. The Project is proposed at 14175 Del Monte Blvd, Marina, CA 93933, off of the private Charlie Benson Road, north of the City of Marina (Assessor's Parcel Number 229-011-021-000).

CURE is a coalition of labor unions whose members construct, operate, and maintain industrial facilities throughout California, including Monterey County. CURE has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand along the Monterey Bay, and by making it less desirable for businesses to locate and people to live in the area, including the Project vicinity. Continued degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

On April 24, 2019 the Planning Commission held a hearing to consider the Permit for the Project. We attended the hearing and presented written comments (incorporated by reference herein) and oral comments. Based on our review of the Staff Report and pertinent agency records, we concluded that the Project is inconsistent with General Plan policies protecting biological resources and Zoning Ordinance sections regulating development, as well as regulations on development in sensitive habitat areas. We therefore urged the Planning Commission to deny the permits for the Project.

CURE agrees with the PWN appeal, which provides substantial evidence that, among other issues, 1) a supplemental EIR must be prepared, 2) the approval is inconsistent with County policies, 3) the approval violates the California Constitution Article X, Section 2 because the project would result in unreasonable use of the groundwater, 3) the Project will violate the State Water Resources Control Board Non-Degradation Policy, 4) the Project will violate the groundwater rights of the property owners who's land overlays the aquifer because neither CalAm nor the County has rights to the groundwater, 5) staff omitted information

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on the Project's impacts on potable drinking and irrigation groundwater supplies relied upon by adjacent farms, 6) the Project will lead to saltwater intrusion in violation of the Sustainable Groundwater Management Act, 7) CalAm does not have water rights in the Salinas Valley Groundwater Basin, and 8) the amount of water to be extracted exceeds the demand.

CURE also agrees with the MCWD appeal, which provides substantial evidence that 1) a subsequent or supplemental EIR must be prepared by the County because of significant new information that was not known and could not have been known at the time of the EIR certification, 2) the Planning Commission's approval violated a County moratorium on development of groundwater wells due to seawater intrusion, 3) the Planning Commission's finding of adequate protection of environmentally sensitive habitat are inadequate and are inconsistent with Section 21.66.020 of the County Code, 4) CalAm does not have, and cannot legally acquire, water rights, and 5) numerous findings are not supported by evidence or are erroneous.

The legal issues and analysis raised by the appeals clearly show that the Permit must be denied because the Project is inconsistent with state laws, and local ordinances and regulations. Also, the substantial evidence provided in the appeals and the record require the County to prepare a subsequent or supplemental EIR so the County and the public can be fully informed of and comment on the environmental impacts of the Project and required mitigation measures to reduce those impacts to less than significant.

Sincerely,



Yair Chaver

YC:acp

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