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STATE WATER RESOURCES
CONTROL BOARD
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DIVISION OF WATER RIGHTS
SACRAMENTO



July 8, 2016

Felicia Marcus, Chair
Tom Howard, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Matthew Quint
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, California 95812-2000

Re: Preliminary Staff Recommendations to Modify Cease and Desist Order WR 2009-0060

Dear Ms Marcus, Mr. Howard, and Mr. Quint:

InterContinental The Clement Monterey supports the letters you have received from several local entities which include the Coalition of Peninsula Businesses, Monterey County Hospitality Association, California American Water Co. (Cal Am), Monterey Peninsula Regional Water Authority (MPRWA), Monterey Peninsula Water Management District (MPWMD) and others to Cease and Desist Order WR 2009-0060 (CDO).

InterContinental The Clement Monterey, together with the community, has been a leader in water conservation. We businesses and residents of the Peninsula have invested millions of dollars in water conserving fixtures, reduction in landscaping, and changes in everyday operations to limit our use of water. We have saved almost 50% on water use over the last decade. Our consumption of water is among the lowest in the state and has resulted in one of the highest conservation rates in California. Additional restraints on water and conservation requirements would impose a reduction in business to the Hospitality industry. This would then cause dispersion not only to the thousands of employees in the Monterey County, but also to the community as a whole.

InterContinental The Clement Monterey supports the CDO amendments reflected in the request filed April 28th. That filing was based on several years of negotiations with staff. We are delighted staff agrees with a five year extension of the CDO deadline but are concerned that staff deviated from the negotiated agreement in several key areas. Those areas of concern include:

- 1) Setting the effective diversion limit (EDL) at 7,990 afa instead of 8,310 afa
- 2) Virtual elimination of carry over credits for years when the pumping is under the EDL
- 3) Reasonable disposition of supplemental water rights and acquisitions
- 4) Setting Milestone #1 too early in the as-yet uncertain Public Utilities Commission schedule for deliberation and decision on approval of the Cal Am-Groundwater Recharge/Pure Water Monterey water purchase agreement

Our support for the CDO amendments submitted April 28th was contingent on setting the EDL at 8,310 afa; we had earlier proposed that setting the EDL at 9,500 afa would be more appropriate. Our support was and is contingent on a reasonable ordering paragraph crediting prior water use. We agree that there should be no new connections until our water supply is no longer dependent on illegal Carmel River pumping.

Nevertheless, the proposed wording of ordering paragraph 2, which would limit use resulting from changes of use or zoning to usage over the previous five years or to the MPWMD fixture allotment is inconsistent and would be destructive to preserving and establishing jobs, generating revenue for local government, and maintaining a strong and productive community.

We respectfully request staff to reconsider its recommendations for CDO amendments and revise the recommendations to the original negotiated agreements.

Sincerely,



John C. Turner
General Manager
InterContinental The Clement Monterey