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**BEFORE THE STATE WATER
RESOURCES CONTROL BOARD**

In the Matter of the State Water Resources)
Control Board (State Water Board))
Hearing to Determine whether to Adopt a)
Draft Cease & Desist Order against)
California American Water Regarding its)
Diversion of Water from the Carmel River)
in Monterey County under Order WR 95-10)
_____)

Hearing Date: July 23 - 25, 2008

Carmel River in Monterey County

EXHIBIT MPWMD-HS11

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

**HISTORY OF PROCESS FOR MPWMD PERMIT APPLICATION --
CAL-AM PROPOSAL TO AMEND WATER DISTRIBUTION SYSTEM AND
CONSTRUCT CARMEL RIVER DAM PROJECT
Updated April 9, 2004**

The permit process includes three phases -- information, environmental review, and MPWMD Board action. The Cal-Am application to build the Carmel River Dam and Reservoir Project (CRDRP) was denied on August 18, 2003. This information is provided for historical purposes.

I. INFORMATION PHASE

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
1. Pre-application consultation by Cal-Am and MPWMD.	Summer/Fall 1996 Cal-Am requests copies of EIR documents and other NLP project information; indicates possible proposal of "no growth" Carmel River Dam and Reservoir Project. MPWMD consults with PUC, SWRCB and Army Corps of Engineers regarding potential project. Cal-Am must obtain permit from MPWMD pursuant to Section 363 of District Law and Rules 11, 20, 21 and 23 regarding water distribution systems.
2. Cal-Am submits formal application to MPWMD and other agencies.	Submitted November 13, 1996 . Application describes project and requests licensing of MPWMD dam permits. MPWMD has 30 days to determine completeness of application. Cal-Am also submits applications to CPUC and SWRCB.
3. MPWMD sends completeness letter and information requests.	MPWMD response transmitted December 13, 1996. Letter advises Cal-Am that application is not complete and describes needed information.
4. Applicant submits requested information, which is again reviewed by MPWMD. MPWMD sets date of complete application.	Cal-Am response to MPWMD received on February 6, 1997; an MPWMD letter dated February 21 determines application is complete pending receipt of specific maps and figures. Cal-Am and MPWMD meet on February 27 to discuss project status and timing, as well as agreement to reimbursement MPWMD for CEQA and other permit processing costs. On March 24, Cal-Am provides requested maps and figures supporting the permit application. On March 31, MPWMD informs Cal-Am that application is complete as of the requested date of March 24, 1997 . Reimbursement agreement finalized on July 31, 1997.
5a. Related action by California Public Utilities Commission (CPUC) regarding Cal-Am application for Carmel River Dam & Reservoir Project through 1999	A January 15, 1997 letter states that CPUC will be a CEQA responsible agency for Cal-Am application, deemed complete on March 28, 1997 . The CPUC holds public hearing on May 15 and prehearing conferences for rate case participants on May 15, July 28 and November 3, 1997 in Monterey. A June 6, 1997 Joint Ruling sets six CPUC-facilitated workshops on financing and alternatives held on July 28, August 11 and 25, and September 8, 22 and 29, 1997. MPWMD develops detailed matrix of alternatives and other materials. CPUC develops summary of workshop results in October 1997. CPUC, MPWMD and Cal-Am meet on October 27 to discuss SEIR status and concur on alternatives evaluation procedure. MPWMD provides summary of efforts and planned alternatives evaluation at November 3 prehearing conference. ALJ Kotz issues Rulings on December 9, 1997 on compensation claims by parties, and on January 16, 1998 on schedule and content of testimony. Ruling again issued on May 22, 1998 regarding alternatives selection criteria and role of Cal-Am proposed rationing/moratorium request. MPWMD makes presentation on SEIR status and submits statements at June 24, 1998 pre-hearing conference. Supplemental statements prepared by July 8 deadline.

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
<p>5a, continued. CPUC action on reservoir project from January 2000 through December 2002.</p>	<p>On January 5, 2000, CPUC assigns new ALJ Michelle Cooke to replace Steven Kotz on CRDRP. Efforts "on hold" until Plan B issue resolved. Joint meeting held on May 5, 2000 to discuss coordination of Plan B efforts with comprehensive EIR; CPUC prefers to remain as involved responsible agency with MPWMD as lead agency. Preliminary time line for Plan B identification is November 2000. At August 2, 2000 workshop, CPUC reviews Component Characterization report and provides opportunity for public comment. At the workshop, CPUC announces revised time line of March 2001 as goal for Plan B identification. CPUC staff indicates funds may be made available to assist MPWMD with project-level engineering information. Screening report received November 27, 2000. CPUC workshop held on December 13, 2000 at which a delay in recommendation of Plan B (mid-2001) was announced; thus, draft EIR on Plan A and B delayed until December 2001. MPWMD prepared comments by January 10, 2001 deadline. Progress Report on Plan B distributed in late May 2001 with revised time lines. Draft Plan B report issued early September 2001; CPUC workshop held October 2, 2001; comments on draft report submitted in October 2001. ALJ Ruling issued September 21, 2001 states that CPUC will be responsible agency on EIR for reservoir project and Plan B; MPWMD to be lead. Final Plan B Report originally anticipated by December 2001. Series of delays resulted in release of Final Report on August 9, 2002. Final Report had different conclusions than draft report, and focused on Moss Landing desalination plant combined with local ASR.</p>
<p>5a, continued. CPUC action on reservoir project from January 2003 to present</p>	<p>Cal-Am in February 2003 announces intent to pursue Plan B project ("Coastal Water Project"). ALJ Ruling of March 2003 directs Cal-Am by April 1, 2003 to describe agency roles and responsibilities, rate issues related to dam application and how to "wind down" dam application before MPWMD and associated information. Hearing on rate-related issues held by CPUC on May 14, 2003; Cal-Am indicates it will not fund dam-related studies after May 14, 2003. July 16, 2003 Proposed Decision by ALJ Cooke recommends that CPUC deny Cal-Am application for dam; reject May 14 cut-off date for payment. CPUC confirms recommendations on September 4, 2003 (see 5b below for more info).</p>
<p>5b. CPUC action on "Plan B" Alternative through 1999.</p>	<p>CPUC Decision 98-08-036 on August 6, 1998 dismisses four Cal-Am conservation applications without prejudice; directs Cal-Am to develop "long-term contingency plan" ("Plan B") that identifies water supply alternatives to be pursued if proposed reservoir does not come to fruition. Fifth pre-hearing conference held on November 17, 1998 regarding process to coordinate MPWMD and CPUC proceedings in light of AB1182, which requires identification of Plan B by CPUC, not Cal-Am. Written comments submitted and meeting with CPUC staff was held on November 28, 1998. Joint Ruling dated January 4, 1999 set dates for identification and comment on Cal-Am Plan B contingency project. Resolution W-4131 (2/18/99) sets memorandum account for \$750,000 for Plan B studies by CPUC to be paid by Cal-Am ratepayers. Cal-Am further clarifies its Plan B selection in February 1999; Plan B concepts transmitted by parties on April 5, 1999; rebuttal comments submitted to CPUC on May 10, 1999. Questions regarding water bag technology submitted June 11, 1999. [Hearings on Cal-Am general rate case held in May and early June 1999.] Presentation made by MPWMD on SEIR status at July 26, 1999 pre-hearing conference. EDAW, retained by CPUC to develop Plan B proposal, summarizes scope of work on July 26. MPWMD assists EDAW with background information and documents; assists CPUC staff with reservoir operation costs. EDAW briefs</p>

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
	<p>MPWMD and Cal-Am staff on Plan B progress on October 26, 1999. District assists EDAW fisheries staff and provides field tour of Carmel River. MPWMD staff participates in December 6, 1999 workshop hosted by CPUC on Plan B objectives and criteria.</p>
<p>5b, continued. CPUC Plan B efforts from January 2000 to present</p>	<p>MPWMD Board considers comments at 1/6/2000 meeting; asks for extension so that policy issues can be addressed in February 2000. EDAW makes presentation to MPWMD Board on January 27, 2000 on Plan B status, with emphasis on objectives and criteria. MPWMD staff provides computer modeling assistance to EDAW in January-February 2000. Board approves comments on objectives and criteria, with refinements, at 2/24/00 meeting; transmitted to CPUC. EDAW evaluates components of Plan B scenarios through Spring 2000. Plan B Components Characterization report by EDAW transmitted to parties in early June 2000. MPWMD Board reviews draft general comments at July 17 board meeting; comments provided to CPUC at CPUC Workshop on August 2, 2000. MPWMD submits detailed comments on report on August 11, 2000. MPWMD receives summary of August 2000 written and oral comments from CPUC in October 2000. Screening report received on November 27, 2000. CPUC workshop held on December 13, 2000 at which a delay in recommendation of Plan B (mid-2001) was announced. MPWMD prepared comments by January 10, 2001 deadline. EDAW meets with MPWMD on January 17 and requests CVSIM runs on Plan B options in February. MPWMD prepares output in March and April 2001. MPWMD assists EDAW with Progress Report in April-May 2001; EDAW makes presentation to MPWMD Board on May 31, 2001 and sets June 15, 2001 as deadline for comments on Progress Report. MPWMD and others submit comments. Draft Plan B report issued early September 2001; CPUC workshop held October 2, 2001; comments on draft submitted in October 2001. Final Plan B Report originally anticipated by December 2001; series of delays resulted in release on August 9, 2002. Final Report had different conclusions than draft report based on comments received and other developments through mid-2002. District staff meets with CPUC on September 26, 2002 to discuss environmental review of Plan B and access to supporting data. Documents provided in November 2002. In February 2003, Cal-Am announces intent to construct Coastal Water Project (Moss Landing desal + ASR) instead of a dam, and requests CPUC to be CEQA lead agency. ALJ Ruling of March 2003 directs Cal-Am by April 1, 2003 to describe agency roles and responsibilities, rate issues related to dam application and how to "wind down" dam application before MPWMD and associated information. MPWMD submits written comments to CPUC by April 11 and meets with CPUC staff on April 15, 2003. Hearing on rate-related issues held by CPUC on May 14, 2003. July 16, 2003 Proposed Decision by ALJ Cooke recommends that CPUC be lead agency for Coastal Water Project and that Cal-Am file a new application for CWP. CPUC adopts recommendation on September 4, 2003 and adds that Cal-Am should explore regional partnerships for CWP due to central location.</p>
<p>5c. Related action by SWRCB regarding water project water rights through December 1999 (does not fully address history of compliance with Order WR 95-10)</p>	<p>The SWRCB determines it will be a CEQA responsible agency. December 1996 letter to Cal-Am states that proposal to build reservoir meets requirement to prepare a compliance plan (Condition 12, Order WR 95-10). Letter to MPWMD asks about timing and approval of licensing dam permits; February 14, 1997 response by MPWMD explains required approval process, including CEQA review. SWRCB participates in PUC hearings and workshops since May 1997. Letter to PUC/Keeley (9/29/97) comments on viability of three supply alternatives. Litigation against SWRCB settled in February 1998, resulting in SWRCB Order WR 98-04 that revises elements in Decision 1632 and Order WR 95-10. SWRCB issues letter to 39 water rights applicants on July 14, 1998 requiring an EIR before applications will be heard. SWRCB issues hearing notice for September 8, 1998 for Cal-Am</p>

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
	<p>appeal of \$168,000 fine for non-compliance with Order WR 95-10. Hearing canceled due to settlement. New complaint issued 8/19/98 requires Cal-Am to sell Forest Lake Reservoir and fund upgrades to water system to improve fire protection in Pebble Beach, which result in reduced diversions from Carmel River. SWRCB and MPWMD staff meet 4/27/99 to discuss SEIR issues. SWRCB submits comment letter to CPUC in May 1999 questioning viability of Plan B proposals that include increased water rights from the Carmel River.</p>
<p>5c. Related action by SWRCB regarding water project water rights in years 2000 and 2001 (does not fully address history of compliance with Order WR 95-10)</p>	<p>In May 2000, SWRCB holds workshop on possible statewide changes to criteria for jurisdictional determinations with focus on groundwater. On May 30, 2000, SWRCB holds workshop on Carmel River issues in Monterey, including status of the EIR. District, Cal-Am and others makes presentations or address the Board. MPWMD assists SWRCB staff with follow-up questions from SWRCB Board members. SWRCB responds in July 2000 with written clarification of policy questions posed by MPWMD about water credit issues. Discussions with SWRCB in April 2001 indicate that MPWMD should apply for Change Petitions to borrow from reservoir project storage rights to facilitate Seaside Basin injection/recovery project and to help make existing diversions from Carmel River lawful. Draft applications prepared for review by SWRCB staff on July 11, 2001. Formal application for MPWMD long-term injection/recovery submitted in October 2001; December 2001 letter from SWRCB requires more information before application is considered complete. MPWMD is developing requested information.</p>
<p>5c. Related action by SWRCB regarding water project water rights January 2002 to present (does not fully address history of compliance with Order WR 95-10)</p>	<p>MPWMD staff meets with SWRCB in late January 2002 to discuss ASR Petition for Change and related issues. SWRCB staff writes letter dated March 14, 2002 requesting update on permit compliance. District responds in late March 2002. District submits Petition for Change for 7,909 AFY year-round Carmel River diversions. SWRCB notices Petition for Change for 7,909 AF in July 2002; protests received through early September 2002; District allowed through October 28, 2002 to respond to protest. District staff meets with SWRCB on September 18, 2002 to discuss status of all pending applications. SWRCB letter to NMFS (July 2002) indicates SWRCB staff is evaluating cumulative impacts of Table 13 diversions. District meets with protestants in Fall 2002 regarding issues and possible settlement. District provides technical information and field tour for SWRCB staff, which is evaluating Table 13 impacts and mitigation measures. In mid-2003, District staff begins water availability analysis at SWRCB request; staff meets with SWRCB staff on July 29, 2003. District staff submits requested information on long-term ASR in September 2003; request SWRCB policy clarification on in-lieu recharge and completes computer modeling for water availability analysis. District staff meets with SWRCB staff on December 2, 2003 to continue discussion and review and submits completed Water Availability Analysis. SWRCB writes letter on January 14, 2004 denying District request to consider in-lieu recharge for Seaside Basin.</p>
<p>5d. Related action by U.S. Army Corps of Engineers regarding 404 permit/ESA</p>	<p>In February 1997, Corps indicates likely involvement by federal agencies and need for endangered species documentation for CRDRP proposal. Col. Thompson and staff conduct field tour on April 21 and 22, 1997. MPWMD letters dated July 15 and October 22, 1997 request time extension for 404 permit and Corps action to implement processes required by federal law. MPWMD and Cal-Am meet with new Corps project manager on October 27, 1997. The Corps initiates Endangered Species Act (ESA) Section 7 consultation on October 29, 1997 and participates in related meetings. Corps letter dated June 12, 1998 clarifies section 7 process to be followed. Col. Thompson is replaced by Col. Peter T. Grass in July 1998. Col. Grass tours Carmel River sites on September 29, 1998. Staff and Cal-Am meet with Corps on May 25, 1999 regarding permit status and ESA issues. Corps writes June 4, 1999 letter to USFWS requesting confirmation of Conference Opinion to</p>

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
	Biological Opinion. MPWMD requests revised permit extension in June 9, 1999 letter. Corps grants 10-year permit extension in June 21, 1999 letter. Corps participates in August 31, 1999 phone conference and September 23, 1999 technical staff meeting with USFWS, Cal-Am and District to clarify specific steps in ESA Section 7 process.
5e. Related action by NMFS and USFWS regarding Endangered Species Act through 1999 (does not include HCP issues)	Conference calls and meetings with National Marine Fisheries Service (NMFS) , U.S. Fish & Wildlife Service (USFWS) , Cal-Am and others regarding ESA compliance for steelhead and red-legged frog held on December 18, 1997, January 12, February 3, March 26 and 27, 1998. Letters of December 18 and 29, 1997 from USFWS and NMFS, respectively, outline additional information requested on red-legged frog and steelhead. Letters of March 31 and April 29, 1998 from USFWS and MPWMD, respectively address ESA process issues. District letters dated July 2, 1998 clarify information to be developed by MPWMD. August 3, 1998 letter from NMFS concurs with District's suggested scope of tasks for Section 7 process. USFWS issues concurrence letter in September 1998, and expresses concern about specific ESA process to be followed. Field tour and informal meetings with new USFWS staff held mid-April 1999. Meeting held with NMFS on May 26, 1999 to discuss project status and ESA issues. Corps writes letter of June 4, 1999 to USFWS requesting confirmation of Conference Opinion to Biological Opinion. River tour conducted in July 1999 for second new USFWS staff due to reorganization of Ventura office. Phone conference held on August 31, 1999 with Corps, USFWS, Cal-Am and District regarding Section 7 process. Technical staff meeting held on September 23, 1999 to address information updates on red-legged frog to be provided for Biological Opinion. MPWMD to retain consultant to prepare Biological Assessment (BA) for frog for USFWS. MPWMD, Cal-Am and NMFS confer on ESA data needs on December 16, 1999. Meeting with NMFS and CDFG fish passage experts held on December 21, 1999.
5e, continued. Red-legged frog action in year 2000 (water projects only)	USFWS letter of January 28, 2000 to Corps confirms process to address red-legged frog. MPWMD staff consults with USFWS regarding refinements to scope of work for red-legged frog Biological Assessment (BA) in April-May 2000. MPWMD requests data for frog BA in July 2000 and confirms adequacy of proposed scope of work. In July 2000, MPWMD retains Ecosystems West, Inc as consultant; field work conducted in August 2000. USFWS reorganizes in August 2000, and assigns new staff member to Carmel River. Field studies performed by US Forest Service in Summer 1999 are provided in August 2000 for consolidation into the BA. Staff meets new USFWS staff member Diane Pratt in mid-November 2000, and provides field tour of reservoir sites and frog habitat. Phone conference held in early December 2000 to clarify application of draft critical habitat definitions in Federal Register.
5e, continued. Red-legged frog action in year 2001 to present (water projects only)	Consultants conduct additional field work in December 2000-January 2001. Additional consultation with USFWS held in March-April 2001 based on Final Rules for critical habitat issued in March 2001. Consultants compile detailed mapping with aerial photos and GPS coordinates in early 2001, and developing rough draft BA for initial review in Summer 2001. USFWS provides color maps of critical habitat boundary on watershed level in April 2001. Cal-Am in August 2001 requests that Interim BA focus on setting only and put impacts and mitigations on temporary hold pending decisions about Carmel River Dam and Plan B. Consultants complete setting section in October 2001, including peer review by USFWS and others. Consultants complete Interim BA in mid-January 2002.
5e, continued. Steelhead action in year	NMFS transmits press release on 4-D rules in mid-December 1999 followed by draft 4-D rules in early January 2000; MPWMD submits comments by March 6, 2000

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
2000 to present (water projects only)	<p>deadline. Interagency meeting held on fish passage issues at proposed Carmel River dam on April 24, 2000. District consultants complete draft report evaluating fish passage alternatives for agency review in May 2000. NMFS expresses concern about reservoir project and endorses Plan B concept at SWRCB's May 30, 2000 workshop. MPWMD staff provides field tours in Summer 2000 to new NMFS staff assigned to Carmel River. NMFS staff summarizes ramifications of 4-d rules at October 4, 2000 Watershed Council meeting. MPWMD again requests agency comments on May 2000 passage report and related issues in November 2000. NMFS responds in December 2000 with requests for additional information, but does not reject passage concepts. CDFG provides similar response in February 2001. Consultant contracts are budgeted by MPWMD to address agency information requests in FY 2001-2002. NMFS letter dated May 24, 2001 expresses opposition to mainstem reservoir project, and urges MPWMD to focus efforts on Plan B and/or off-stream storage projects rather than Cal-Am proposal. NMFS letter dated June 14, 2001 to CPUC opposes change of storage rights to diversion rights. NMFS meets with MPWMD staff several times in Fall 2001 regarding CVSIM computer model, which NMFS wishes to use as a basis for determining adequate instream flow regime in absence of a large mainstem dam. MPWMD staff updates CVSIM computer model in early 2002 based on coordination with NMFS experts regarding refinements. NMFS develops draft streamflow regime without a new dam in March 2002. MPWMD staff reviews and provides comments in April-May; NMFS completes final recommendations in June 2002. CVSIM model updated in 2003 to include the NMFS streamflow regime for non-dam projects. District staff meets with NOAA Fisheries and CDGF staff in July-August 2003 on methodology to evaluate non-dam project impacts to Carmel River steelhead in water supply EIR.</p>
5f. NHPA Section 106 cultural resources process through 1999	<p>MPWMD retains Pacific Legacy in February 1998 to provide Section 106 oversight and documentation. Additional field work conducted in April-May 1998; Review Draft Summary Report disseminated on July 24, 1998 for formal 60-day review by Programmatic Agreement (PA) participants. Comments by PA participants received mid-October 1998; additional field work by consultant performed through February 1999 to address SHPO information requests and transmitted to SHPO. SHPO signs off on adequacy of combined studies and report in May 13, 1999 letter. Responses to comments and Draft Final Summary Report transmitted to PA reviewers in mid-April 1999. Comments on Draft Final report received in late May 1999. Final report and responses to comments transmitted in July 1999. Four consultation meetings held with Esselen in May-June 1999 to help develop Historic Properties Management Plan (HPMP); HPMP consultation package developed by consultants to guide discussions. Consultants begin development of Review Draft HPMP, including mitigation proposal package by Esselen, in July 1999. Tassajara Wildfire disrupts review effort by Esselen Tribe representative.</p>
5f continued. Section 106 action in year 2000	<p>Review Draft HPMP completion is based on completion of mitigation measures for traditional cultural properties (TCP), additional information about cultural resources at biological mitigation areas, and refinements to earlier information. Esselen representatives meet January 14, 2000 to finalize mitigation proposal to Cal-Am. Esselen submit proposal to Cal-Am on January 27, 2000. Cal-Am and Esselen meet in March and June 2000 to discuss TCP mitigation concepts. Esselen meet in August-October 2000 to develop draft TCP mitigation concepts. Esselen Nation Council considers concepts at September 10, 2000 meeting and indicate that a written response will be available by October 13, 2000. In the meantime, MPWMD consultants assess riparian and woodland mitigation areas in August-September 2000, and develop rough draft Addendum report text for informal review by SHPO staff. [In November 2000, SHPO staff indicate report meets requirements.] In mid-October 2000, both Esselen groups express concerns with Cal-Am proposal.</p>

STEP IN PROCESS	STATUS OF CAL-AM PROJECT
	District consultants develop preliminary mitigation program through December 2000 for internal technical and legal review.
5f continued. Section 106 action in year 2001 to the present	MPWMD transmits year-end report, Review Draft Addendum Report and Notice of Amended APE to reviewing parties in early January 2001. These reports focus on project mitigation areas for impacts to oak woodland and riparian/wetland habitat. Corps of Engineers, SWRCB and SHPO concur with determinations in February-March 2001. Draft Final Addendum and final APE transmitted to parties in May 2001. Minor comments from two parties received in June 2001. Final Addendum prepared in July 2001. Cal-Am in September 2001 requests that Interim Historic Property Management Plan (HPMP) focus on setting only, and put impacts and mitigation measures on temporary hold pending decisions about Plan A and B. Consultants complete Interim HPMP in mid-January 2002. MPWMD coordinates with Cal-Am in late 2002 regarding curation of artifacts removed from Cal-Am property during archaeology investigations. Curation Agreement is signed by parties in Spring 2003.
5g. Related action by USFS regarding Ventana Wilderness land exchange	The U.S. Forest Service (District Ranger Emmens) conducts site visit on April 10, 1997; discussion continues on Ventana Wilderness land exchange approved by Congress in 1990. USFS assists with archaeology evaluations in 1998 and 1999. Correspondence between USFS and Advisory Council on Historic Preservation in August-September 1999 clarifies how PA serves as means for USFS to consider effects on Ventana Land Exchange. New District Ranger William Metz briefed on reservoir project history in March 2000.

II. CEQA PHASE -- Comply with California Environmental Quality Act

The State Permit Streamlining Act requires that a certified EIR be completed within 12 months of a complete application (longer, if time extensions are approved or NEPA federal action is involved). Note that action by other agencies could affect the timing of the CEQA process. The federal NEPA process, if required, would run concurrently.

STEP IN PROCESS	COMMENTS/TIMING
6. MPWMD selects consultant to aid in EIR scoping, in consultation with Cal-Am.	Request for Qualifications transmitted in March 1997 to 22 firms with April 11, 1997 deadline. Eight firms responded. Two finalists were selected on April 23. Final selection of Jones & Stokes Associates (JSA) occurs on May 20, based on qualification, cost estimate, proposal, field trip and interview.
7. MPWMD prepares initial study on Cal-Am proposal; at public hearing, MPWMD determines whether EIR must be prepared. MPWMD files Notice of Preparation (filing with State and 30-day review required).	MPWMD Board accepted Initial Study on April 21, 1997 and directed that an EIR be prepared. Notice of Preparation transmitted April 30, 1997 with June 2, 1997 deadline for written comments.
8. MPWMD holds (optional) scoping sessions to receive agency and public comment on elements that need to be addressed in EIR.	Public scoping meetings held on May 22 and 29, 1997 (2 sessions each day). Agency session held May 22 (agencies declined optional field trip). Total of 45 participants at public meetings and four representatives at agency session; nearly 30 letters and other written comments received.

STEP IN PROCESS	COMMENTS/TIMING
9. MPWMD selects consultant to prepare environmental information, and approves scope of work for SEIR.	Consultant (JSA) selected on May 20, 1997 (see #6 above). JSA develops EIR scope of work and cost estimate based on Scoping Report which summarizes comments received during scoping period. Board approves scope on July 21, 1997 . In August 1997 , Appellate Court upholds 1995 Superior Court ruling for MPWMD to prepare focused Supplement to 1994 Final EIR. Amendments to scope including budget augmentation for cultural resources work and additional MPWMD staff effort on alternatives evaluation and other subjects approved by Board on November 21, 1997 .
10. MPWMD staff and consultants prepare SEIR administrative draft.	Administrative draft of completed chapters provided to specific agencies for internal review in early September 1998. Delays occur due to PUC workshops, expanded scope of work, recoding of CVSIM model, ESA negotiations, Carmel River flooding in February 1998 and delayed cumulative impacts information from seismic retrofit project EIR.
11. Draft document received by MPWMD Board; Notice of Completion filed; circulate for public comment (45-day minimum).	MPWMD Board receives Draft SEIR on November 16, 1998 and sets 60-day public comment period. Three 2-session workshops held 12/2, 12/3 and 12/10. Cal-Am had written March 24, 1998 letter requesting delay of Draft SEIR until 45-day comment period on a separate EIR for proposed seismic retrofit of San Clemente Dam is completed. Due to delays in seismic EIR, the CRDRP SEIR is issued first; seismic project Draft EIR issued in December 1998.
12. Board receives public comments on draft document.	Public hearing for oral comments held on January 6, 1999 . Total of 57 written comments comprising nearly 1,000 pages received by the January 15, 1999 deadline. Staff summarized key issues at 1/28/99 Board meeting and received initial policy direction on scope of response.
13. Responses to comments prepared; Revised Draft EIR document prepared. Action in 1999	Scope of Work for Final SEIR and response to comments approved by MPWMD Board at 2/25/99 and 3/15/99 meetings. Scope entails evaluation of dam project with increment of water for new connections and remodels; alternative scenario for No Project; "flushing flow" evaluation; and recirculation of revised DSEIR-2 for comment prior to Final SEIR. Estimated completion of DSEIR-2 is 26 weeks from finalization of No Project description by Cal-Am. Estimated date for Final SEIR is 4-6 months after close of comment period on DSEIR-2, pending volume and content of comments received. . Delays in DSEIR-2 have occurred primarily due to difficulty defining San Clemente Dam operations scenario by Cal-Am, which is needed for computer modeling for Project and No Project scenarios. Three new MPWMD Board members elected in November 1999.
13. Continued Responses to comments prepared; Revised Draft EIR document prepared. Action in 2000	MPWMD Board on April 17, 2000 voted to expand scope of DSEIR-2 to a comprehensive SEIR on long-term water supply project. This EIR will integrate known information on CRDRP and Plan B, along with program level evaluation of both project types with expanded capacity to serve future water needs. Goal was completion of Draft EIR in mid-2001, and complete Final EIR and MPWMD decision to either proceed with Cal-Am reservoir or Plan B by end of year 2001. Actual time line is greatly affected by CPUC progress on Plan B, which has been delayed. MPWMD and Cal-Am met with CPUC on May 5, 2000 to coordinate roles and activities. Detailed time line and revised draft scope of services for JSA was approved by MPWMD Board for planning purposes at July

STEP IN PROCESS	COMMENTS/TIMING
	<p>2000 meeting; revisions anticipated in the future pending Plan B. At August 2, 2000 meeting, CPUC indicates that Plan B identification will not occur until Spring 2001. At December 13, 2000 meeting, CPUC indicates that Plan B identification will not occur until Summer 2001. MPWMD efforts focus on reservoir project impacts until then.</p> <p>Revised Draft EIR on San Clemente Dam Seismic Retrofit Project released in September 2000 with November 9, 2000 deadline for comments. MPWMD and other agencies submit extensive comments, with federal agencies calling for dam removal or deep notching. Coastal Conservancy consultants on October 25, 2000 unveil potential new alternative to notch/bury San Clemente Dam with sediment taken from reservoir. MPWMD and others submit comments for discussion on November 28, 2000. Description of the "No Project" alternative and operations of proposed reservoir project in long-term EIR remain uncertain until project description and operations for San Clemente Dam is resolved. Cal-Am indicates resolution will not occur before mid-December 2000 (later amended to July 2001).</p>
<p>13. continued Responses to comments prepared; Revised Draft EIR document prepared. Action in Year 2001.</p>	<p>Communication by Calif Dept Water Resources (DWR) in late February 2001 indicates significant uncertainty about fate of San Clemente Dam. DWR is studying several options and stated at June 25, 2001 meeting that it will make a determination of preferred alternative in July/August 2001; and prepare a second revised draft EIR by June 2002. MPWMD Board concurs in March 2001 that computer modeling for long-term EIR must await DWR determination and Plan B recommendation. In May 2001, CPUC indicates Plan B will be finalized on September/October 2001. In June 2001, DWR determined that project purpose for San Clemente Dam has been expanded, and EIR/EIS must be prepared, essentially beginning process again with re-scoping. Plan B Draft Report issued early September 2001, with Final Report anticipated late November 2001. MPWMD board holds strategic planning session in September 5, 2001, and indicates preference for two-track effort (project level EIR on injection recovery and comprehensive assessment of long-term options, including Plans A and B).</p>
<p>13. continued Responses to comments prepared; Revised Draft EIR document prepared. Action in Year 2002.</p>	<p>Detailed work plan for EIR/EIS with options including proposed dam, Plan B and aquifer storage and recovery (ASR) presented at January 16, 2002 strategic planning workshop. MPWMD board expresses interest in evaluating project-level ASR and desalination, and sends letter requesting that Cal-Am voluntarily withdraw reservoir application and replace it with mutually agreeable non-dam project. EIR/EIS work plan revised at February 21 strategic planning workshop to focus on project-level ASR evaluation and program-level for other options. Cal-Am letter dated March 8, 2002 declines to withdraw reservoir project but pledges cooperation regarding development of non-dam option, pending outcome of Plan B report; Cal-Am expresses concern that EIR/EIS scope does not include detailed evaluation of reservoir project. MPWMD Board on March 18 authorizes \$724,000 for Phase I scope of work focused on engineering description for ASR and other non-dam alternatives. MPWMD Board to consider Cal-Am request regarding evaluation of reservoir project in April-May 2002, prior to scoping notices. MPWMD staff initiates and continues coordination with U.S. Army and affected jurisdictions regarding potential water supply facilities in Fort Ord area. Engineering studies in Spring 2002 are stymied by refusal of Cal-Am to release hydraulic model and other system information to MPWMD</p>

STEP IN PROCESS	COMMENTS/TIMING
	<p>consultants. Army indicates preference not to serve as lead NEPA agency until City of Seaside provides written concurrence with ASR project plan. District issues NOP for EIR in mid-June 2002. Scoping hearings set for July 10, 2002 with comment period ending July 17. Quarterly public update and strategic planning session to address comments on NOP held on July 31, 2002. Board considers Phase 2 scope of work on August 29, 2002 and votes to hold off until: Phase 1 is completed, information is received on Cal-Am plans, Final Plan B Report is reviewed, lead agency status is confirmed and U.S. Army status regarding federal lead agency are confirmed. Cal-Am (September 13, 2002 letter) indicates it is still studying Plan B and will advise District when decision is made. U.S. Army (September 18, 2002 letter) states that it will not serve as federal lead unless recipient jurisdiction for transferable land supports proposed projects on that land. District staff meets with CPUC on September 26, 2002 to address data access and lead agency issues (no position at this time).</p>
<p>13. continued Responses to comments prepared; Revised Draft EIR document prepared. Action in Year 2003 and 2004.</p>	<p>Cal-Am proposes Coastal Water Project (Moss Landing desal + ASR) in February 2003. District consultants prepare two drafts of Carmel River Flow Threshold Report and Phase 1 engineering evaluation in January-February 2003. Draft Threshold Report transmitted for 60-day review in March 2003. Phase 1 Engineering Report and Phase 2 scope of work, including options, presented to Board on March 27, 2003. Board takes action on April 2, 2003 to focus EIR on Sand City desalination project with yield goal of 8,409 AFY; approve additional feasibility studies on HDD "slant drilling" well technology; assert MPWMD should be lead agency for CWP in a separate EIR; and direct staff to formally ask Cal-Am to rescind its application for a dam within 90 days, or a hearing will be scheduled to consider denial. MPWMD staff meets with CPUC to provide update and discuss issues on April 15, 2003. MPWMD Board denies Cal-Am application for CRDRP at August 18, 2003 public hearing.</p> <p>MPWMD consults with agencies and submits seven permit applications in June 2003 for temporary geotechnical and geophysical tests to characterize aquifer in order to assess feasibility of Horizontally Directional Drilled (HDD) slant well technology. Permits issued in July-October 2003. Board Review Draft EIR submitted to Board on December 15, 2003. Board determines not to consider proceeding with EIR until hydrogeologic reports are completed in March 2004. Special workshop held on March 31, 2004. Consultants highlight changed understanding of local hydrogeology; conclude that construction of "offshore HDD" wells is not feasible, but radial wells and "onshore HDD" wells can be constructed to yield 3,900-8,400 AFY (possibly more). No action taken by Board on EIR, but individual members express desire to wait 90-120 days to explore Moss Landing opportunities with two entities pursuing projects there.</p>
<p>14. Final EIR prepared; CEQA Findings developed based on Final EIR (note possible responses to comments on Final EIR as additional task).</p>	<p>See Step 13. Findings effort runs concurrent with development of Final EIR; completion of Findings document is typically 1-2 months after completion of Final EIR.</p> <p>Not applicable to reservoir project due to August 18, 2003 denial.</p>
<p>15. MPWMD certifies Final EIR and adopts Mitigation Plans (files Notice of Determination).</p>	<p>See Step 13 and 14. Certification occurs at same meeting as adoption of Findings.</p> <p>Not applicable to reservoir project due to August 18, 2003 denial.</p>

III. BOARD ACTION PHASE

MPWMD Board denied Cal-Am application on August 18, 2003. Procedural information follows for reference purposes only. Once the CEQA process is completed, the MPWMD Board can take action to approve an application, in compliance with MPWMD Rules and Regulations. An EIR is not needed to deny an application. A decision to approve or deny must be based on Findings adopted by the Board. Approval must include Conditions of Approval and comply with all pertinent State laws and MPWMD Rules and regulations.

STEP IN PROCESS	COMMENTS/TIMING
16. All information needed for final action is obtained.	See Step 15.
17. MPWMD Findings and Conditions of Approval (or Denial) developed.	See Step 15. Step 17 could occur at same meeting as certification, or at the next subsequent meeting, depending on complexity and volume of permit conditions.
18. MPWMD/Cal-Am notify public of hearing on application.	14-21 days prior to Board action on permit.
19. Staff analysis, recommendation and Board packet materials completed.	14 days prior to Board action on permit.
20. Presentation materials developed.	1-2 days prior to Board action on permit.
21. Public hearing/Board action.	Scheduled Board meeting. See Step 17.
22. Letter to applicant with notification of Board action. If approval, include final conditions, findings, confirmation form for applicant compliance with permit conditions, copy of NOD and other info. If denial, provide only findings.	1-5 days after board action.
23. If approval in Step #22, receive confirmation form back from applicant.	Applicant response (up to 30 days).
24. If approval in Step #22, send final letter confirming formal approval of application once confirmation form received from applicant-- end of action.	1-7 days following receipt of confirmation form, payment, and NOD from County.