

From: Luke Coletti [<mailto:ljc@groknet.net>]

Sent: Thursday, January 26, 2017 3:58 PM

To: Dave Stoldt

Cc: O'Hagan, John@Waterboards; Aue, Marianna@waterboards; Mrowka, Kathy@Waterboards

Subject: Re: CEQA Environmental Checklist - mpwmdmemo_011817.pdf

Dave,

I've attached my response to your message (below). Please advise.

Thank you,

Luke Coletti
Pacific Grove

January 26, 2017

Re: Dave Stoldt e-mail, 1/26/17 11:35 AM

Dave,

MPWMD Definition of "Site":

"Site" shall mean any unit of land which qualifies as a Parcel under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or are separated only by a road or easement), and (2) which have identical owners, and (3) which have an identical present use. The term "Site" shall be given the same meaning as the term "Parcel".

In the District's proposed reinterpretation of Condition 2 both "service addresses" and "site" are mentioned and appear to be made to share the same meaning:

"Increased use of water at existing service addresses shall mean an increase in the capacity to use water at an existing residential or non-residential site in excess of the pre-project capacity to use water, credit from water saved on a site, and or a debit to a jurisdiction's allocation of water as documented by the Monterey Peninsula Water Management District under its Rules and Regulations."

You mention that "district rules are very specific", however, there appears to be no definition of "service address" within [MPWMD Rule 11](#). How exactly does the District define "service address" and how exactly are "service address" and "site" interrelated in the District's proposed reinterpretation (above)?

Also, based on the District's Condition 2 proposal and definition of "site", would the ATC parking lot parcels (which presently use no water) be able to receive/use water from the ATC retail parcel, as proposed for the Project Bella Hotel (see p. 3, attached)? Would this offset/transfer between the parcels represent increased use of water at an existing service address?

MPWMD Definition of "Elsewhere":

Thank you for clarifying the District's language: "comes from a corresponding reduction in the capacity to use water elsewhere" and that if "elsewhere" were to refer to a "site" that "site" can mean multiple adjacent parcels (addresses). However, there is still the question of what "elsewhere" means in relation to a service addresses.

Regarding Rule 28, this October 21, 2013 agenda report (link below) mentions: "in total, 27 Water Use Credit transfers for 61.286 acre-feet of water have been approved. The last transfer was approved on August 18, 2005." I assume this is the correct and current status regarding water transfers?

<http://www.mpwmd.net/asd/board/boardpacket/2013/20131021/16/item16.htm>

Luke Coletti
Pacific Grove

On 1/26/17 11:35 AM, Dave Stoldt wrote:

> Mr. Coletti,

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> District rules are very specific. Generally the offsetting or corresponding reduction would be from the same "Site", a defined term. While District rules do allow for credits to be transferred from one site to another, under existing rules residential credits cannot be transferred. Although District Rule 28 addresses commercial and industrial credits, none have been transferred since the Court of Appeal opinion in Save Our Carmel River v. Monterey Peninsula Water Management District (2006) 141 Cal.App.4th 677 which held that a cumulative impacts analysis of a water credit transfer must be performed under CEQA. The proposed language does not change existing transfer rules or allow additional transfers without CEQA compliance.

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> Dave

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> David J. Stoldt

> General Manager

> Monterey Peninsula Water Management District

> 5 Harris Court - Bldg G

> Monterey, CA 93940

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> 831.658.5651

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> -----Original Message-----

> From: LJ Coletti [mailto:ljc@groknet.net]

> Sent: Tuesday, January 24, 2017 12:00 PM

> To: Dave Stoldt

> Cc: O'Hagan, John@Waterboards; Aue, Marianna@waterboards; Mrowka,

> Subject: CEQA Environmental Checklist - mpwmdmemo_011817.pdf

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> Dave,

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> The last sentence in your Water Credits memo (text and link below) is ambiguous as to where a "corresponding reduction" can take place at. For example, can the "reduction" occur on site A and allow an associated increase on site B? Please clarify.

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> "the policy is to allow buildings to be repurposed by their owners, so long as the capacity for use of water on the site does not increase or comes from a corresponding reduction in the capacity to use water elsewhere."

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> http://www.swrcb.ca.gov/waterrights/water_issues/projects/california_american_water_company/docs/mpwmdmemo_011817.pdf

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> Luke Coletti

> Pacific Grove

