

From: Michael Warburton [<mailto:warburto@sonic.net>]
Sent: Friday, February 03, 2017 1:12 PM
To: O'Hagan, John@Waterboards
Subject: Condition 2, WR Orders 2016-0016 and 2009-060

Dear Mr. O'Hagan;

The Public Trust Alliance has been a Public Intervenor in matters concerning illegal diversions from the Carmel River with both the California State Water Resources Control Board and the California Public Utilities Commission since several years before your 2009 Cease and Desist Order (which we supported). The Jan. 24, 2017 proposal for "reinterpretation" of Condition 2 by the Monterey Peninsula Water Management District endangers now viable settlement initiatives that might avoid the ongoing torrent of vexing litigation now stalling the effort to implement a reasonable alternative public water supply for Cities on the Monterey Peninsula that supports its residents, economy and environment. Amending the condition in the manner suggested by the Water District also risks sending a misleading signal that that a short-term, hyper technical on-site accounting transfer of "credits" might be an acceptable technique for gaming public regulations intended to protect valuable public trust resources.

In the interest of not wasting public resources on unnecessary additional litigation, we support the reasoning contained in the Feb. 1, 2017 letter from the Sierra Club and Planning and Conservation League on this matter.

Thanks,
Michael Warburton
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