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SUBJECT: ADDITIONAL COMMENTS ON DEIR

These comments refer to the MPWSP DEIR, Appendix B2, State Water Resources Control Board, Final Report on Analysis of MPWSP, July 31, 2013:

Pg 43. “Based on the current project design and location of the extraction wells, it is highly unlikely that in the foreseeable future Cal-Am will draw an increased percentage of fresh water from wells with intake screens located several hundred feet offshore.”

This statement, and many to follow, refer to theoretical conclusions based on skimpy data. The real data source for any conclusions must come from a robust test of the slant well. That test has been late, interrupted, delayed, and still fails to provide data that can predict long term conclusions. Will the FEIR/FEIS insist on a robust test period, and time to analyze the data, and time for deliberation for considering costs and practicality of proceeding or changing course?

This critical question refers back to the SRWCB insistence on a “feasibility evaluation” for subsurface intakes. The question of 'feasibility' must contain a full evaluation. Since the slant well is new and experimental, will the FEIR/FEIR insist on a legitimate data collection period, a legitimate evaluation process, and a legitimate time frame for deliberation?

Pg 43. “...it is unlikely that Basin conditions would improve independent of MPWSP operation.’

What about MCWRA investment in the rubber dam? Not mentioned. It intends to add water to recharge dynamics by holding water in the stream bed longer than a natural flow. But Cal Am project wants to pump water at the tide line to halt sea water intrusion. One stores water,. One pumps water. These seem like competing approaches. There needs to be a serious discussion of this, and some analysis to suggest that one can proceed without interfering with the other. Such conflicting approaches are not reconciled in the DEIR. Will this be addressed in the FEIR?

Also these comments by SWRCB were made before drought conditions became worse. Will the FEIR update these comments in light of drought conditions?

Pg 44. “Alternatively, it is possible that Cal-Am could implement modifications to the groundwater extraction system to offset any impacts on fresh water sources.” Footnote 63.

Footnote 63: “For example, active groundwater barrier systems, or other means of isolating the extraction wells from the groundwater system could be implemented.”

Where in the DEIR is this option addressed? If the SWRCB suggests an option, why is it not included in the DEIR? Will this be addressed?

Pg 44. “Based on historical uses of water in the Basin and despite efforts to reduce groundwater

pumping in seawater intruded areas through enactment of Ordinance 3709 and efforts to increase recharge through the CSIP, there is no substantial evidence to suggest that Basin conditions will improve independent of the MPWSP without a comprehensive solution to the overdraft conditions. Although implementation of the SVWP has reportedly contributed to a reduction in the rate of seawater intrusion, there are still very large pumping depressions in the Basin, and these pumping depressions provide a significant driving force for sustained seawater intrusion which will likely continue for many decades “

These are heavy assumptions that local efforts will fail in the long term. Yet there are no precautionary statements for the completely unproven operation of a slant well for ocean intake for a similar period of time. This comment by SWRCB is comparing fact to speculation. The slant well absolutely requires substantial testing so that actual data can be used in an analysis. Will the FEIR/FEIS contain comments on the need for substantial testing over an adequate period of time so its impact can be assessed legitimately and practically?

Pg 45. “Alternatively, or in conjunction with injection wells, Cal-Am could ensure an adequate supply of replacement water is maintained within the CSIP program. Initial studies would be needed to determine the most suitable location based on soil permeability for additional percolation basins, if necessary. As with injection wells, percolation basins would need to be located where the underlying aquifer does not contain degraded water.”

The DEIR has not addressed the issue of Cal Am assuring the adequacy of CSIP. Has Cal Am worked out approaches to this question with MCWRA or others. Has Cal Am assumed any responsibility for CSIP? Has this been investigated by the ESA team? Are there comments on this? Will there be comments on this in the FEIR/FEIS?

Pg 45. “Based on the information provided in the FEIR, North Marina Project modeling suggests a zone of influence of approximately 2 miles from the proposed extraction wells.⁶⁴

Ftnt 64: 64 Cal-Am, Coastal Water Project, FEIR, Appendix E, Geoscience, North Marina Groundwater Model Evaluation of Projects p. 21 (E-28), July and September 2008.

How has the zone of influence been reduced from 2 miles (in 2008 report) to only 1 mile (in the current report)? The same Geoscience expertise is the source in both reports. Where is this difference explained? Will this be explained? Will the smaller impact zone in the current DEIR be adequate for CEQA purposes, and how is it adequate compared to the original 2 mile impact zone? Please explain the difference from the earlier report.

Pg 54. “The Report notes that there are many unanswered questions about the nature of the subsurface geology, and how the implementation of the proposed project will affect subsurface water conditions. These questions can only be addressed by proceeding with subsurface investigations and developing a more detailed and comprehensive groundwater model.”

SWRCB suggests further and complete investigations are necessary to determine subsurface groundwater conditions. How can MPWSP proceed without these full investigations? .The MPWSP schedule shows decisions being scheduled before the SWB investigations are completed. What is the rationale for proceeding ahead of these investigations? Will this be explained? Will the FEIR/FEIS contain explanations why the SWB suggestions are being ignored or rejected?

Pg 55. “Our Report concludes that it is necessary for Cal-Am to conduct groundwater investigations in order to collect the information needed to refine the groundwater model.”

Is it the opinion of ESA that a limited test well period is sufficient to draw conclusions? How long should a test well operate to give relevant data? Will the interrupted test period be legitimate if it does not run for a full two years? Will the restart of the test period be required to start a new

continuous pumping period? It should. How can an interrupted test be justified without the continuous pumping requirement? How will the interrupted test period data be compiled and analyzed for a restarted test period? Will a new test period be required? It is continuous pumping that is the real test. Water rights and aquifer impacts depend on long range pumping. Is it the opinion of ESA that the overwhelming political push about water will justify a shorter test period? Is it the opinion of ESA that minimal test well data is all that is necessary to approve the project? Is it the opinion of ESA that the limited data from the incomplete test period can be justification to proceed? Is it the opinion of ESA that the full test period is overstated? Is it the opinion of ESA that the CPCN decision can be based on limited test well data? Will ESA describe the appropriate time period for test well data? Is it the opinion of ESA that the DEIR and the FEIR, both with incomplete data from a full test period, is adequate for the CPUC to decide the acceptability of the CEQA/NEPA requirements? Is the opinion of ESA that the CEQA/NEPA review is complete, without the test period being complete, and/or without the long term continuous pumping data being included?

Pg 56. “Whether the seawater intrusion efforts will be assisted by the implementation of the proposed project, or hindered by it, is a question that can only be answered through further investigation. These investigations are proposed as a component of the MPWSP.”

“Further investigation” surely suggests that the test period of 18 to 24 months is critical. The continuous pumping data is critical. Has ESA decided the full test period is not that important? Had ESA concluded that limited test data is satisfactory and can meet CEQA/NEPA requirements? Where is any explanation of the argument that the test period of 18 to 24 months can be shortcut? Will ESA promote the approval of the MPWSP without the full investigation planned with the 18 to 24 month test period, and without the continuous pumping impact data being available for analysis?

Pg 56-7. “It is necessary to conduct the studies proposed for the initial stage of the investigation in order to develop the required groundwater model. State Water Board staff believes that this investigation can be conducted without adversely affecting Basin water users. The investigation should ascertain whether any groundwater users have wells in close proximity to the proposed test well, and any concerns about the use of that well during the investigation phase should be addressed.”

Will data from the AgLandTrust well be included for analysis? Is it the opinion of ESA that the AgLandTrust well is irrelevant? Has ESA considered/reviewed/analyzed data from this ALT well? Is it the opinion of ESA that the groundwater model has been cleared of bias from the conflict of interest implications regarding Williams/ Geoscience? What tests has ESA initiated to affirm modeling assumptions are not compromised? What statistical experts has ESA retained to evaluate the potential for biased or unbiased assumptions and calculations? Is it the opinion of ESA that minimal test well data meets CEQA requirements? Is it the opinion of ESA that the opinion of the SWRCB can be moderated and parsed sufficiently to minimize its intent? Where is the analysis or discussion that counters the opinion of SWRCB report?