

## COMMENT FORM

**California American Water Company (Cal Am)  
Monterey Peninsula Water Supply Project  
Draft Environmental Impact Report**

Date: 30 June 2015  
Name: Ron Weitzman  
Affiliation: Water Plus (dba Water Ratepayers Association of the  
Monterey Peninsula), president  
Address: 23910 Fairfield Place  
Carmel, CA 93923  
Email address: [ronweitzman@redshift.com](mailto:ronweitzman@redshift.com)

**I wish to be added to the CEQA mailing list.**

To:

Attn: Andrew Barnsdale  
California Public Utilities Commission  
c/o Environmental Science Associates  
[MPWSP-EIR@esassoc.com](mailto:MPWSP-EIR@esassoc.com)

**COMMENTS (due on or before 13 July 2015)**

Comments begin on next page.

## **No Salinas Valley Groundwater Rights**

Since Cal Am has no groundwater rights at the CEMEX site, it proposed in its formal PUC application to draw its feed water from sources other than the 180-foot or deeper aquifers. At first, it considered drawing its feed water from the shallow Dune Sand aquifer, but borehole testing showed that source would be inadequate. Then, it considered using slant wells to draw feed water from beneath the ocean floor to avoid accessing groundwater to which it lacked rights. This idea drew criticism from people familiar with the 2003 CSUMB Watershed Institute report by April McMillian showing that the Salinas Valley groundwater aquifers extended miles out to sea. Still, that became the plan that Cal Am proposed, justifying it by the claim that its models showed very low percentages of fresh water in the undersea portions of the aquifers. Now we find in Figure 64 of Appendix E-2 of the DEIR (attached) that the test well intake pipe does not extend out to sea; it ends inland of the shoreline somewhere in the 180-foot aquifer. This test well cannot provide an evaluation of the effect of pumping from beneath the sea floor on either groundwater elevations or intake-water salinity. It is a waste of time and money, whose only possibly useful purpose would be to show due diligence to the state water board in the hope the board would relax its CDO.

Not only is this disingenuous; it is also deceitful. The very objective of the proposed slant wells, shown clearly in Figure 64, is not to avoid pumping from Salinas Valley aquifers, as originally announced, but in fact to pump directly from them, without acknowledging that objective publicly. In fact, Cal Am is using an inadequately and likely erroneously evaluated model to predict insignificantly low fresh-water percentages in the feed water, percentages that can be returned to the valley groundwater basin without affecting the project's capability to meet its delivery requirements on the Monterey Peninsula. This fresh-water

return could resolve not only the company's lack-of-water-rights problem but also avoid its violating the Agency Act's prohibition of the exportation of groundwater from the valley. I use the word "could" because both problem resolutions are debatable, subject to challenge in court.

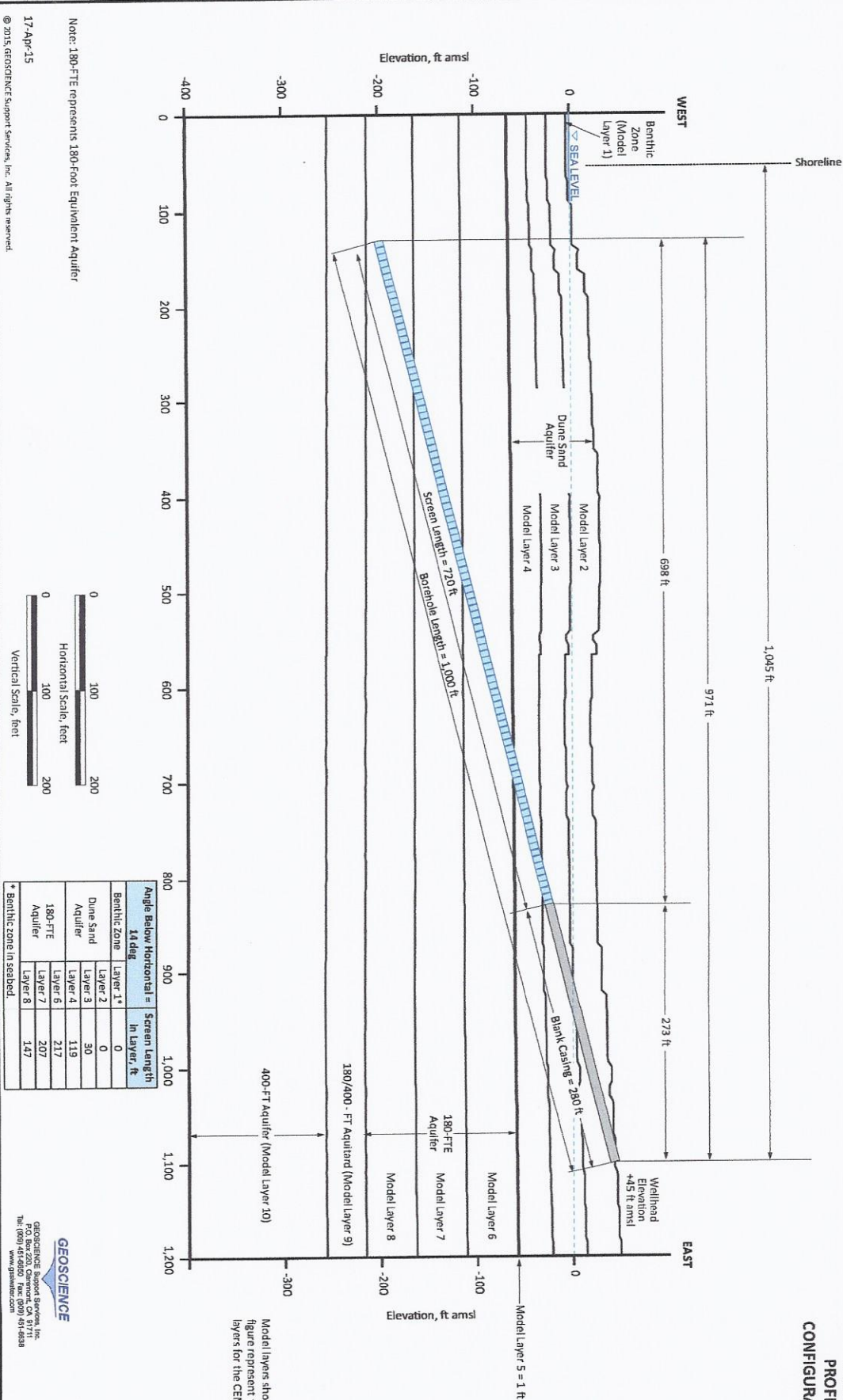
Now, despite the model predictions, the test well is showing an inordinate percentage of fresh water in the feed water. So, in response to a Santa Cruz Superior Court challenge to its test-well pumping by neighboring well-owners, Cal Am is now claiming with respect to its two problems that (a) the company in fact has rights to the groundwater because it is not being used by anyone else now for any beneficial purpose and (b) desalinated water is developed (new) water, not groundwater, and so is not subject to the Agency Act. I am not an attorney, but this is my understanding of Cal Am's current legal claims.

These claims have two problems. One is that the reason growers are not using the groundwater is to avert the very seawater intrusion that Cal Am's pumping is exacerbating. The second is that Cal Am is directly accessing groundwater, whatever its salinity, and exporting it out of the valley, partly to the Monterey Peninsula (fresh-water component) and partly to Monterey Bay (residual component). This is an obvious violation of the Agency Act.

**REMEDICATION.** Since a slant well cannot extend far enough out into the bay to avoid accessing the Salinas Valley groundwater basin, Cal Am should either pursue open-ocean intake or seek a site outside the Salinas Valley to obtain its feed water. One possibility is to use slant wells extending beneath the sea floor near the mouth of the Carmel River, where neither water rights nor the Agency Act would present a problem. The EIR should explore this possibility, as well as open-ocean intake.

If you do not take these remediation measures, please explain, Why not?

**CEMEX  
SLANT WELL  
CS-B-4  
PROFILE  
CONFIGURATION B**



Model layers shown in this figure represent the model layers for the CEMEX Model

**DRAFT**  
**Figure 64**

GEOSCIENCE Support Services, Inc.  
10001 45th Street, Suite 100  
San Diego, CA 92131  
Tel: (619) 451-6800 Fax: (619) 451-6838  
www.gswwater.com

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