

## Comments for the EIR for Monterey Peninsula Water Supply Project (MPWSP)

Submitted to:

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Submitted by Kathy Biala, resident of Marina (also a City of Marina Planning Commissioner but acting in the capacity of a private citizen)

Firstly, the issue of the impacts to the snowy plover is a much larger problem of not just localized compromise of an area of land confined to the Cemex plant property; it is a regional issue of preserving the natural habitat for wildlife, miraculously still present on our Marina beaches and dunes. The MPWSP desalination plant may irreversibly alter our natural habitat to meet the needs of others who do not live in our area and who do not realize the rare and awe inspiring environment that we currently have. We can preserve this unique habitat with almost 100% certainty *without* the construction of the desalination plant at this location; we have begun to see our conservation efforts paying off as the number of nesting plovers has increased over time. We cannot, however, predict a continued thriving snowy plover population by placing its protection under the powerful entity of Cal Am who already has demonstrated a troubling disregard for prudent management of natural resources i.e. the Carmel River and before that, the Salinas River.

A mandate for a repeat slant well study that covers a full year is not scientifically unreasonable, but will likely be met with significant opposition (i.e. the slant well has already been dismantled, the cost would be prohibitive, timelines must be met, etc.). However, this test slant well does not appear to be a valid study unless critical summer months have been included. Dana Point operated a test slant well for two years; we should not “extrapolate” from their data when our geography, our subsurface and our water sources are not alike. Why are we to accept the data from a severely truncated, partial test, set up in such a way that undoing this mistake would be viewed as “impossible”? And yet we would go forward with approvals based on incomplete data? As many have noted, summer months are critical ground water usage time for agricultural interests, and the desalination needs for dilution water may be impacted. ***It also did not cover the critical summer nesting season for the snowy plover.*** This period of time IS the significant time to assess the ability of the species to thrive by laboriously tracking the presence of each nest. There is no entity more responsible for this than Point Blue Conservation Science with a proven history of scientific commitment specifically to the snowy plover and has accomplished decades of monitoring.

I have only recently discovered Point Blue Conservation Science by a chance meeting on the dunes of one of their staff who was engaged in snowy plover

monitoring activities. I have absolutely no conflict of interest in supporting this organization.

If CalAm is to be held responsible for “not significantly impacting” our natural habitat for the snowy plover and other wild species that exist here, the following must be in place:

- 1) An accurate and complete baseline of numbers and locations of current snowy plover nests by Point Blue Conservation Science.**
- 2) Continued monitoring by Point Blue Conservation Science at appropriate data collection intervals (set by Point Blue) throughout construction and throughout future plant operations.**
- 3) Point Blue be designated the resource organization to replace the biologist noted in the DEIR.**
- 4) Point Blue be given all the authority that the said biologist in the DEIR is to be given, including the reporting of snowy plover nests that would cease all construction in the area, only to resume when cleared by Point Blue.**  
Note: Although we wish to believe otherwise, an inexperienced or “junior” biologist that might be hired per the DEIR, may be unable to “stand up” to objections or pressures of CalAm and minimize findings. This represents a real possibility that can destroy the mitigation plan altogether and without due notice by conservation stakeholders.
- 5) CalAm will pay for the Point Blue services at a standard rate charged by Point Blue (not less than current fee structures).**
- 6) Beyond the initial construction, Point Blue will have the authority to curtail plant operations if snowy plover data demonstrates significant negative impact upon the nesting and presence of the snowy plover.**

Without a reputable, impartial and experienced monitoring body written into the EIR, the chance of our natural habitat being overlooked and destroyed, over time, is an inevitable consequence. We cannot approve the desalination plant unless a true and enforceable conservation plan is in place. Point Blue has been a recognized expert in the study of the Western Snowy Plover for decades and is an objective, science driven organization. We should not wish to settle for anything less.

*The DEIR has several inaccuracies and omissions with regards to the snowy plover that I have documented in previously submitted comments. This does not bode well for engendering trust when the baseline in the DEIR is flawed from the start.*

The haste with which CalAm closed the slant well, was then followed by exposure of their conflict of interest, potentially compromising the validity of the DEIR itself, as a critical document upon which to base approvals. This is an extremely serious issue as a previous proposal by CalAm for a desalination plant was also marred by conflict of interest discoveries. Further, Marina Coast Water District is currently involved in a legal struggle to recoup \$20M from CalAm over this previously failed project. Until

such litigation is resolved, it does not seem prudent nor ethical to expect Marina to acquiesce to another desalination project with this same applicant.

**Due to our city's proximity to a critical habitat for the snowy plover, I would like to recommend that Cemex agree to a conservation easement for the shores and dunes on the Cemex property as some added assurance of a serious commitment to conservation. I have personally observed the presence of snowy plover chicks on two occasions during the summer months at the mouth of the Cemex property. In such a way, these habitats for the snowy plover can be preserved in perpetuity by transferring ownership rights (with corresponding tax incentives for Cemex) to the Salinas National Wildlife Refuge. Please consider such an initiative that ultimately benefits all those who live and visit the Monterey Bay, and gives some assurances to Marina, specifically for preservation of our wildlife habitat.**

**Given all the above concerns, I am fully in favor of the Monterey Bay National Marine Sanctuary becoming the lead agency in a joint state/federal environmental EIR document under both CEQA and the National Environmental Policy Act (NEPA). At this point in time, restoring confidence in the veracity and completeness of an EIR is paramount and I believe the more "eyes" on the EIR the better, given such significant breeches in the process thus far. I also hope that more serious attention be placed on other desalination options that are located on industrially zoned properties as opposed to impinging on natural habitats already long established by state, regional and national agencies.**

In summary, I am deeply concerned that our small town unique assets will be severely compromised i.e. our livelihoods, our groundwater, our habitat for the sake of a company that operates with such lack of integrity in demonstrated corporate practices. If the project were to be approved, then please build in guarantees of absolutely stringent, "no-holes" mitigation protections for Marina's sake and that Marina has some measure of ensured future benefits for our natural habitats as specified in this commentary.