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Andrew Barnsdale mpwsp-eir@esassoc.com
c/o Environmental Science Associates
550 Kearny Street, Ste. 800
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Re: Comments on Draft Environmental Impact Report (DEIR) for Monterey Peninsula Water Supply Project (MPWSP)

Dear Mr. Barnsdale,

I appreciate this opportunity to submit the following comments on the Draft EIR.

1. **Non-disclosure of short-term reduction in slant well efficiency.** The most notable part of the MPWSP is that it makes the Monterey Peninsula's water supply dependent on pumping by ten subsurface slant wells. Yet, I am unable to find in the DEIR any discussion of long-term slant well efficiency or any reference to the 2014 conclusion in the *Final Report: Technical Feasibility of Subsurface Intake Designs for the Proposed Poseidon Water Desalination Facility at Huntington Beach California* which concludes that the long-term performance of slant well technology has yet to be confirmed. Even though two members of the four-member Hydrogeologic Working Group (HWG) for the MPWSP were members of the 5-member Scientific Technical Advisory Panel (STAP) for the 2014 Poseidon analysis which reached that conclusion, I find no mention in the DEIR of the 2014 Poseidon report or its conclusion.

   Martin Feeney is a member of the HWG for the MPWSP and was also a member of the 5-member STAP for the Poseidon analysis. Similarly, Dr. Dennis Williams is the president of the company that produced the 2012 analysis cited for that conclusion by the Poseidon study, *Geoscience, Inc. 2012, Aquifer Pumping Test Analysis and Evaluation of Specific Capacity and Well Efficiency Relationships SL-1 Test Slant Well Doheny Beach, Dana Point, California Prepared for: Municipal Water District of Orange County September 7, 2012*. Dr. Williams is also a member of the HWG. Both scientists are surely aware of the following paragraph from page 37 of the Final Technical Feasibility report prepared under the auspices of the California Coastal Commission and Poseidon and published only 10 months ago at **http://www.coastal.ca.gov/pdf/ISTAP_Final_Phase1_Report_10-9-14.pdf**. That report rejects slant well technology on the grounds it is a technology whose long-term performance is yet to be confirmed, as follows:

   > "*Only one slant well has been successfully constructed to date, although a major installation to provide 20 MGD of feed water capacity is under consideration in the Monterey Bay area. The successfully completed well is at Dana Point. When it was built and tested in 2006, it was test pumped at 2000 gpm and displayed a well efficiency of 95%. Recent longer term testing of the completed test well in 2012*

documents the reduction in well efficiency from the original value of 95% in 2006 to 52% in 2012 (GeoScience 2012). Given this observed reduction in efficiency over a short period, the long-term performance of the technology has yet to be confirmed." (pg. 37.)

The California Environmental Quality Act (CEQA) requires good faith disclosure of material facts. The short term of slant well efficiency and the fact that at least two of the four HWG members knew about that short term efficiency are material facts that affect the MPWSP's potential environmental and financial impacts. MPWSP objective #10 is to minimize project costs and associated water rate increases. A decrease from 95% to 52% in well efficiency over six years could significantly increase Cal Am's water rates by increasing Cal Am's profit on its equity investment in wells that have short term efficiency.

If disclosure of the rapid drop in slant well efficiency is disclosed in the DEIR and I missed it, the response to this comment in the FEIR should identify the page numbers where the disclosure can be found. If the disclosure that at least two of the HWG member knew about the reduction and ensured the consequences of that reduction were disclosed in the DEIR, then their disclosure should also be identified by page number. Otherwise, the Final EIR should disclose not only the non-disclosure of the rapid reduction in slant well efficiency, but also that two members of the HWG knew that fact but failed to ensure that the DEIR disclosed it.

The Final EIR must present facts about rapid loss of slant well efficiency, apply those facts to the MPWSP, and disclose that material information known by HWG members was not disclosed in the DEIR in violation of CEQA Guidelines § 15151. I suggest that for this disclosure and analysis, Mr. Feeney and Dr. Williams should be replaced on the HWG by other experts in slant well technology. Also, if the remaining two members of the HWG, Mr. Peter Leffler and Mr. Tim Durban, and/or if the ESA project manager, Eric Zegas, also knew about the Poseidon report conclusion that that the long-term performance of slant well technology has yet to be confirmed, and *if* neither of those facts are in the DEIR, then I suggest that they too be replaced for purposes of the Final EIR's handling of the DEIR's apparent non-disclosure of material facts.

2. **Draft EIR page ES-82 regarding regulations of the CCC, SWRCB, RWQCB, NOAA MBNMS, NMRS should specifically identify the referenced regulations.** DEIR page ES-82 under the heading "Intake Technologies" states that several state and federal regulatory and permitting agencies *"will not consider permitting an open-water intake unless a subsurface intake has been deemed infeasible or would result in greater environmental impacts. For example, the CCC, SWRCB and RWQCBs require permit applicants for open-water intakes to first consider the feasibility of subsurface intake methods (i.e., vertical wells, slant wells) and to demonstrate that subsurface intake alternatives are not feasible or would result in greater environmental effects before they will consider issuing permits for open-water intakes. Likewise, NOAA's Monterey Bay National Marine Sanctuary and National Marine Fisheries Service also established guidelines for discretionary approvals for new intake structures stating that subsurface intakes should be used where feasible and beneficial."*

The Final EIR should identify the specific regulations of the CCC, SWRCB, RWQCB, NOAA and National Marine Fisheries service which set forth those requirements so the reader and PUC decision makers can read the requirements for themselves. It's important to understand those specific requirements in light of the newly-filed Notice of Preparation for an Environmental Impact Report for the People's Moss Landing Water Desalination Project (PMLWSDP). PMLWSDP is a project that should be analyzed in the Final EIR as an alternative to Cal Am's MPWSP.[1] The PMLWDP is a desalination project that proposes to rehabilitate existing facilities at the Moss Landing Green Commercial Park to develop an existing open intake system for providing 13,400 afy of desalinated water for the Monterey Peninsula plus 3,652 afy for North County or, alternatively, a subsurface seawater intake. Whether or not its open intake system will meet the agencies' requirements is relevant to its consideration as an alternative project. Thus, the specific regulations should be identified.

The DEIR concludes that the only significant environmental impact of the MPWSP will be cumulative impacts from Greenhouse Gas Emissions (GHG) and therefore the DEIR analyzes no other desalination projects as alternatives. However, it is currently uncertain that the MPWSP will not cause significant injury to users of the Salinas Valley groundwater basin, nor is it currently certain that other significant environmental impacts will result from the MPWSP, or that project objective #10 will be achieved.

Thus, the Final EIR should analyze the PMLWSDP in terms of its likelihood of achieving the same objectives as Cal Am's MPWSP. That will require showing that the PMLWSDP will need to satisfy the CCC, SWRCB, RWQCB, NOAA and the National Marine Fisheries service requirements to show that greater environmental effects will not result from its open intake system. Thus, the requirements of those agencies relevant to open water intake should be specifically identified in the Final EIR.

Additionally the FEIR analysis of alternatives should take into account the 10th project objective for Cal Am's MPWSP, minimizing project costs and associated water rate increases, and consider the claim of the PMLWSDP that PMLWSDP would result in substantially lower water rates than would Cal Am's MPWSP.

Thank you for considering my comments. I will mail you a signed hard copy of this letter.

Sincerely,

Jane Haines

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[1] The Notice of Preparation for the EIR for the PMLWSDP can be read at http://www.mosslandingharbor.dst.ca.us/downloads/NOP_Peoples%20Desal%20-%20Final%20for%20Publication%20-%202015JUN25%20(2).pdf. However, although the NOP has been submitted to the State Clearing House, it has not yet been assigned a SCH number.