

**MCWD Ord Community SOI Amendment and
Service Area Annexation IS/ND Comment Letters Updated (December 19, 2011)**

Commenter	Date Received
A - Monterey Peninsula Water Management District	11/14/2011
B - City of Del Rey Oaks	11/18/2011
C - LandWatch Monterey County	11/21/2011
D - Monterey County Planning Department	11/28/2011
E - Monterey Bay Unified Air Pollution Control District	12/01/2011
F - Local Agency Formation Commission Monterey County	12/12/2011
G - City of Marina	12/12/2011
H - Seaside County Sanitation District	12/13/2011
I - City of Monterey	12/14/2011
J - Monterey Peninsula Water Management District	12/15/2011
K - Monterey Regional Water Pollution Control Agency	12/15/2011
L - Law Offices of Michael W. Stamp	12/15/2011

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MPWMD

**NOTICE OF AVAILABILITY/NOTICE OF INTENT
TO ADOPT A NEGATIVE DECLARATION**

**Marina Coast Water District – Ord Community Sphere of Influence Amendment and Service Area
Annexation Project**

NOTICE IS HEREBY GIVEN that the Marina Coast Water District (MCWD) has prepared a Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA) contained in Cal. Pub. Res. Code Section 21000 et seq. for the Ord Community Sphere of Influence amendment and Service Area Annexation Project that is comprised of a change to the MCWD jurisdictional boundaries. The Draft Initial Study and Negative Declaration are posted on the Marina Coast Water District's website: www.mcwd.org. Document copies are also available for review at the Marina Coast Water District's offices at 2840 4th Street, Marina, CA 93933 and 11 Reservation Road, Marina, CA 93933; Seaside Branch Library, 550 Harcourt Avenue, Seaside, CA 93955; Marina Branch Library, 190 Seaside Circle, Marina, CA 93933; and Monterey Public Library, 625 Pacific Street, Monterey, CA 93940.

Written comments on this Negative Declaration will be accepted for 31 days from October 31, 2011 through November 30, 2011. Comments can also be made during the MCWD Board Hearing on December 13th, 7:00pm at the MCWD Administration and Customer Service Office, 11 Reservation Road, Marina, CA 93933-2099.

Project Description: The proposed project is the Marina Coast Water District's (MCWD or the District) Ord Community Sphere of Influence (SOI) amendment and Service Area (SA) annexation in accordance with relevant codes and ordinances of the District and local jurisdictions, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. MCWD proposes to amend their SOI and expand their SA to include all of the former Fort Ord, the development of which is guided by the Fort Ord Reuse Authority (FORA) and their Fort Ord Reuse Plan, and the relevant City and County General Plans, and Master Plans for California State University Monterey Bay (CSUMB), Fort Ord Dunes State Park, and University of California Monterey Bay Education, Science and Technology Center. The District currently provides service to this area as outlined in the Water/Wastewater Facilities Agreement between FORA and MCWD (1998). The end of FORA's legal existence is scheduled for 2014. The proposed project will allow water and wastewater service to continue beyond the FORA expiration, and will provide customers the ability to vote for the MCWD Board of Directors. In addition, a small area containing a school and a church that presently receive water from MCWD and are within MCWD's Central Marina customer area will be added to MCWD's SA to eliminate an island within the District that was inadvertently created during the last SA annexation of property north of Marina. In accordance with disclosure requirements in CEQA guidelines section 15072 (g)(5), this notice hereby discloses that the proposed project site contains the entire Fort Ord property that was placed on the National Priorities List of Hazardous Waste Sites (Superfund List) in 1990, as identified on the list enumerated under Section 65962.5 of the Government Code.

FOR ADDITIONAL INFORMATION CONTACT:
Carl Niizawa, Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Street, Marina, CA 93933
(831)883-5925 or cniizawa@mcwd.org

We welcome your comments during the 31-day public review period. You may submit your comments in hard copy to the name and address above. Marina Coast Water District also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the District has received your

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comments. To submit your comments by e-mail, please send a complete document including all attachments to cniizawa@mcwd.org.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the District to ensure the District has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g., number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 384-0197. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the District to confirm that the entire document was received.

For reviewing agencies: The District requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments.

All written comments on the Initial Study/Negative Declaration should be addressed to:

Carl Niizawa, Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Avenue, Marina, CA 93933
(831)883-5925 or cniizawa@mcwd.org

Re: Marina Coast Water District Ord Community Sphere of Influence Amendment and Service Area Annexation

From: Agency Name: MPWMD
Contact Person: Hennetta Stern, Project Manager
Phone Number: 831-658-5621

No Comments provided

Comments noted below

Comments provided in separate letter

COMMENTS: A portion of Fort Ord is within MPWMD boundaries. Please note that projects/water systems must receive a Water Distribution System permit from MPWMD unless they are exempt. Rule 20-C-11 includes an exemption for service to Former Fort Ord Lands within MPWMD if the water source is not derived from the Seaside Groundwater Basin or Carmel River Basin. See MPWMD website for full information at www.mpwmd.net

Stephanie Fogel

From: Daniel Dawson <citymanager@delreyoaks.org>
Sent: Friday, November 18, 2011 8:44 AM
To: Stephanie Fogel; aaltfeld@ci.marina.ca.us; adeamaral@ci.marina.ca.us; alec.arago@mail.house.gov; angonzalez@csumb.edu; annetteyee@aol.com; ashepherd@ci.marina.ca.us; aspear@csumb.edu; betty@mrwpca.com; bice@ucmbest.org; bobh@mrwpca.com; brad@mrwpca.org; Brian True; cdiiorio@ci.marina.ca.us; Chelsea.Holloway@hklaw.com; clinton.w.robinson@us.army.mil; Carl Niizawa; cookj@co.monterey.ca.us; cribbsaw@pacbell.net; danzini@csumb.edu; dingerso@ci.seaside.ca.us; dingersoll@ci.seaside.ca.us; dplatt@ci.marina.ca.us; dyount@ci.marina.ca.us; gail.youngblood@us.army.mil; hburch@ci.carmel.ca.us; hharvath@mst.org; ian.gillis@urbancommunitypartners.com; ingramgp@ix.netcom.com; jcoile@ci.marina.ca.us; Jim Heitzman; Jim Heitzman; jmarker@csumb.edu; karen.fisbeck@us.army.mil; kathleen_ventimiglia@csumb.edu; keith.mccoy@urbancommunitypartners.com; kesaunders@csumb.edu; kgray@parks.ca.gov; kwolf@federaldevelopment.com; leekm@co.monterey.ca.us; llowrey@nheh.com; mbozorginia@ci.marina.ca.us; meurer@ci.monterey.ca.us; michael@fora.org; mlerch@csumb.edu; mlewis@ci.seaside.ca.us; mohammadjf@co.monterey.ca.us; nicholsn@co.monterey.ca.us; orcagr@aol.com; Patrick Breen; Paula Riso; ramos@ci.monterey.ca.us; rchesshire@nccrc.org; rcorpuz@ci.seaside.ca.us; reeves@ci.monterey.ca.us; rks@redshift.com; rochelle.dornatt@mail.house.gov; rose@ci.monterey.ca.us; RRiedl@ci.seaside.ca.us; rsalcedo@ci.seaside.ca.us; scott.hilk@sheahomes.com; steve@sandcity.org; thom.gamble@comcast.net; thom.gamble@sheahomes.com; todd@tamcmonterey.org; tohallor@ci.seaside.ca.us; vnakamura@mpc.edu; David.Eisen@monterey.army.mil; aimamura@DDAPlanning.com; dduffy@DDAPlanning.com; asterbenz@sWSV.com; mckennak@monterey.lafco.ca.gov; mcCuet@monterey.lafco.ca.gov
Cc: Christopher Callihan
Subject: RE: Marina Coast Water District's Ord Community Annexation Notice of Availability/Notice of Intent

I request that it be placed into the public record that; the City of Del Rey Oaks as a current customer of the Seaside Sanitation District has reached agreement between MCWD and the Seaside Sanitation District that all sanitary sewer services south of the Seaside/Del Rey Oaks City Limits line on the former Fort Ord be accomplished via gravity conveyance and that MCWD will honor that commitment to allow the Seaside Sanitation District to provide such service to all of the former Fort Ord lands under ownership of the City of Del Rey oaks and the Del Rey Oaks Redevelopment Agency.

Daniel Dawson
City Manager
City of Del Rey Oaks
(831)394-8511

Confidentiality Notice: The information contained in this communication may be privileged or confidential. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately and delete the copy you received. Thank you for your cooperation.

From: Stephenie Fogel [mailto:sfogel@mcwd.org]

Sent: Friday, November 18, 2011 8:31 AM

To: aaltfeld@ci.marina.ca.us; adeamaral@ci.marina.ca.us; alec.arago@mail.house.gov; angonzalez@csumb.edu; annetteyee@aol.com; ashepherd@ci.marina.ca.us; aspear@csumb.edu; betty@mrwpca.com; bice@ucmbest.org; bobh@mrwpca.com; brad@mrwpca.org; Brian True; cdiiorio@ci.marina.ca.us; Chelsea.Holloway@hkllaw.com; Daniel Dawson; clinton.w.robinson@us.army.mil; Carl Niizawa; cookj@co.monterey.ca.us; cribbsaw@pacbell.net; danzini@csumb.edu; dingerso@ci.seaside.ca.us; dingersoll@ci.seaside.ca.us; dplatt@ci.marina.ca.us; dyount@ci.marina.ca.us; gail.youngblood@us.army.mil; hburch@ci.carmel.ca.us; hharvath@mst.org; ian.gillis@urbancommunitypartners.com; ingramgp@ix.netcom.com; jcoile@ci.marina.ca.us; Jim Heitzman; jim@mcwd.org; jmarker@csumb.edu; karen.fisbeck@us.army.mil; kathleen.ventimiglia@csumb.edu; keith.mccoy@urbancommunitypartners.com; kesaunders@csumb.edu; kgray@parks.ca.gov; kwolf@federaldevelopment.com; leekm@co.monterey.ca.us; llowrey@nheh.com; mbozorginia@ci.marina.ca.us; meurer@ci.monterey.ca.us; michael@fora.org; mlerch@csumb.edu; mlewis@ci.seaside.ca.us; mohammadijf@co.monterey.ca.us; nicholsn@co.monterey.ca.us; orcagr@aol.com; Patrick Breen; Paula Riso; ramos@ci.monterey.ca.us; rcheshire@nccrc.org; rcorpuz@ci.seaside.ca.us; reeves@ci.monterey.ca.us; rks@redshift.com; rochelle.dornatt@mail.house.gov; rose@ci.monterey.ca.us; RRiedl@ci.seaside.ca.us; rsalcedo@ci.seaside.ca.us; scott.hilk@sheahomes.com; Stephenie Fogel; steve@sandcity.org; thom.gamble@comcast.net; thom.gamble@sheahomes.com; todd@tamcmonterey.org; tohallor@ci.seaside.ca.us; vnakamura@mpc.edu; David.Eisen@monterey.army.mil; aimamura@DDAPlanning.com; dduffy@DDAPlanning.com; asterbenz@swsv.com; mckennak@monterey.lafco.ca.gov; mcCuet@monterey.lafco.ca.gov

Subject: Marina Coast Water District's Ord Community Annexation Notice of Availability/Notice of Intent

Please see the attached "Notice of Availability/Notice of Intent to Adopt a Negative Declaration for the Ord Community Sphere of Influence Amendment and Service Area Annexation" for your review and comment. **Written Comment Period has been extended to December 15, 2011.** As stated on the notice, electronic copies of the document are available at www.mcwd.org. In addition, the notice contains locations where hard copies of the document will be available.

Thank you,

Stephenie Fogel

Administrative Assistant to Deputy G.M./District Engineer
Marina Coast Water District
2840 4th Ave., Marina, CA 93933
(831) 883-5929 Direct Line
(831) 384-0197 Fax



November 17, 2011

Carl Niizawa
Deputy General Manger
Marina Coast Water District
2840 4th Street
Marina, CA 93933

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BY:

e-mail: cniizawa@mcwd.org

SUBJECT: NEGATIVE DECLARATION FOR THE ORD COMMUNITY SPHERE OF
INFLUENCE AMENDMENT AND SERVICE AREA ANNEXATION
PROJECT

Dear Mr. Niizawa:

LandWatch Monterey County reviewed the Draft Initial Study/Negative Declaration for proposed changes to the MCWD jurisdictional boundaries. The project would amend MCWD's Sphere of Influence and expand its Service Area to include all of the former Fort Ord including lands within the jurisdiction of the U.S. Army. Development within the area is guided by the Fort Ord Reuse Authority, the Fort Ord Reuse Plan, city and County General Plans, and the Master Plans for CSUMB, Fort Ord Dunes State Park and MBEST. MCWD currently provides service to this area as outlined in the 1998 Water/Wastewater Facilities Agreement between FORA and MCWD which expires when FORA sunsets. The proposed project would allow water and wastewater service to continue beyond the FORA expiration and provide customers the right to vote for MCWD Board of Directors.

We have the following comments:

1. The project description should be expanded to fully describe the project.
 - A. It appears the proposed boundaries of the MCWD would include portions of the MPWMD. If this is the case, potential jurisdictional conflicts should be addressed. For example, the well for Bayonet and Blackhorse golf course is in the Seaside aquifer. Under the proposed project, the well would be within the MCWD as well.
 - B. If a project would be in both jurisdictions, please address which jurisdiction would provide water and the decision-making process to resolve the conflict.

C. If FORA is extended, what would be the status of the 1998 Water and Wastewater Facilities Agreement?

2. The document finds that all General Plans and/or project EIRs are consistent with the Reuse Plan EIR (p. 2). The germane consistency determination is consistency of General Plans, etc. with the FORA Reuse Plan, not the FORA Reuse Plan EIR. Please identify proposed projects (General Plans, etc.) that have not received related consistency determinations e.g., Whispering Oaks/MST project.
3. The document states the proposed project “would not increase development potential beyond that envisioned in the adopted planning documents...”(p. 2)

The project is proposed in anticipation of FORA’s elimination in 2014. Under that scenario, the FORA Reuse Plan may not be applicable, and local jurisdictions with land use authority on the former Fort Ord may be free to revise their land use plans to accommodate added growth. Even if FORA is extended, there is potential for new development beyond the limitations provided for in the Sierra Club/FORA agreement (Chapter 8) if infrastructure issues are addressed.

The potential for future growth under either scenario should be evaluated. This information is needed to address the following LAFCO criterion for expanding a sphere of influence (Government Code Section 56425):

The present and planned land uses in the area, including agricultural and open-space lands.

4. The document states further, “...and more importantly, impacts related to such development would be anticipated to occur with or without the proposed project.” (p. 2) This statement seems inconsistent with the project description indicating that boundary changes are needed to allow MCWD to continue to provide service to the area. Thus, without the proposed project new development would need to obtain water from another source or it could not be approved. Please address this inconsistency.
5. The status of water supply projects should be updated, i.e., schedule for implementation of RUWAP and Regional Desalination Project. (p. 5) For example, the RUWAP is currently on hold because large water users such as area golf courses needed to financially support the project have not agreed to participate in the project. Also, the future of the Regional Desalination Project is in question given legal challenges and uncertainty regarding the Settlement and Purchase Agreements.
6. Reference is made to the Salinas Valley Reclamation Plant (p. 5). Please describe the location of this facility and its relationship to the MRWPCA regional wastewater treatment facility.
7. The document states, “The proposed SOI amendment and SA annexation would not have

any direct environmental impacts because it would only result in a reorganization of jurisdiction boundaries with no direct physical changes to the environment.” (p. 8). CEQA Guidelines require that both direct and **indirect** project impacts on the environment be assessed as follows:

§15064 (d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and the reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

The document should be revised to address the project’s indirect impacts on the environment.

8. The document states, “ The Fort Ord Reuse Plan EIR describes and evaluates redevelopment of the former Fort Ord, including all infrastructure required for provision of service up to the groundwater allocation of 6,600 AFY...and collection of wastewater from planned land uses. The required CEQA analysis of future infrastructure for water service above the 6,600 AFY and up to 9,000 AFY is provided in other environmental reviews of future redevelopment plans and projects in addition to the EIRs prepared for those required water and wastewater facilities (such as MCWD RUWAP EIR) as needed; therefore, no additional analysis is presented or required herein...” (p. 8)

The Initial Study and ND should identify the specific sections/pages thereof so that the public knows where to look.

Additionally, the following provision from Chapter 8 of the FORA Master Resolution acknowledges the lack of infrastructure to meet future development beyond 6000 residential units and 6,600 AFY of water. This section is inconsistent with the above findings that no additional environmental review is required to address additional growth.

§8,01.010 (h)...No development shall be approved by FORA or any land use agency or local agency after the time specified in this subsection unless and until the water supplies, wastewater disposal, road capacity and the infrastructure to supply these resources to serve such development have been identified, evaluated, assessed, and a plan for mitigation has been adopted as required by CEQA, the Authority Act, the Master Resolution, and all applicable environmental laws.

It is worth noting that the EIR for the Regional Desalination Plant failed to address the growth-inducing potential of the 1,700 AFY that would be provided within the MCWD service area. In 2009 project proponents said the water was for growth at the former Fort Ord; the story was later changed indicating that the water was not needed for MCWD.

9. The Utilities and Service Systems section of the Initial Study states the Reuse Plan EIR would result in a demand of 6,600 AFY of potable water and 2,400 AFY of recycled water for irrigation. It indicates that implementation of the recycled water "continues to be evaluated by regional agencies..." (p. 31). As noted above, the RUWAP program is faced with uncertainty. Additionally, to-date 6,251.5 AFY out of the 6,600 AFY has been allocated with some jurisdictions near their allocation limits including the City of Marina and County of Monterey. (FORA Report, 11/6/11) The County of Monterey is considering a project that would exceed its allocation, and use of reclaimed water which is only for landscaping would not meet the project's water demand. Please address these water constraints as required by the following LAFCO criteria for expanding Spheres of Influence:

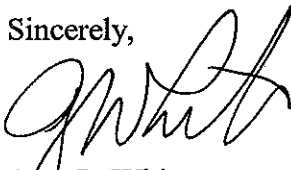
- The present and probable need for public facilities and services in the area

- The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

10. The Initial Study finds that there are no impacts on any environmental resources resulting from the proposed project. The findings are based on assumptions identified above, i.e., only direct and not indirect impacts must be evaluated; the project would not increase development beyond that envisioned in adopted planning documents; water supply projects are available to meet water needs; and no additional analysis is need because other environmental documents have addressed impacts of development beyond 6,000 residential units and 6,600 AFY of water. As identified above, these assumptions are faulty. These issues should be addressed, and a new environmental document should be prepared and re-circulated.

Thank you for the opportunity to review the document.

Sincerely,



Amy L. White
Executive Director

cc: MPWMD

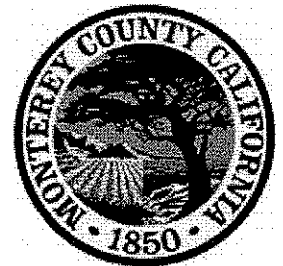
MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT, Mike Novo, Director

168 W. Alisal St., 2nd Floor
Salinas, CA 93901

(831) 755-5025
FAX (831) 757-9516



November 21, 2011

Carl Niizawa, Deputy General Manager/District Engineer
c/o Marina Coast Water District
2840 4th Avenue
Marina, CA 93933

RECEIVED
NOV 28 2011

BY:.....

Subject: Marina Coast Water District Ord Community Sphere of Influence Amendment and Service Area Annexation (REF110062)

Dear Mr. Niizawa,

The Monterey County land use departments have reviewed the Draft Initial Study/Negative Declaration: Marina Coast Water District proposed Ord Community Sphere of Influence Amendment and Service Area Annexation and provide the following comments:

According to the Draft IS/ND, the annexation would not have any direct environmental impacts because it has no direct physical changes to the environment. For example, the Draft IS/ND states in Section V, Project Description (p.7) that the proposed annexation would not change the existing water and wastewater system or the associated system permits. Nor would it change plans for future water or wastewater service in the unincorporated area of the former Ft Ord (Fort Ord Redevelopment Project Area). Section VII, Earlier Analyses (p.8), and the environmental checklist in the Initial Study states that the annexation would not have any direct environmental impacts because it is only a reorganization of jurisdictional boundaries with no direct physical changes to the environment.

The document lists the prior environmental reviews prepared for the FORA Base Reuse Plan and local county and city general plans, and states that all anticipated impacts and mitigations on the former Fort Ord are addressed through these documents. But it must be made clear also that certain proposed MCWD capital improvements were not yet finalized by prior environmental reviews and shall be addressed by future MCWD capital improvement proposals consistent with the prior project approvals.

For example, the approval of the original East Garrison Specific Plan to develop the Fort Ord East Garrison area (now implemented by the Union Community Partners) identified the need for a 3.2 million gallon water storage tank(s) in the area of the subdivision project to serve development for the CSU campuses, campus housing, East Garrison, and other projects in the area (Planning Commission staff report, PLN030204, East Garrison Partners, dated July 13, 2005). The water tank(s) were to be constructed as part of an overall water system being installed by the MCWD as part of their water master plan. At the time, the site was identified at the location of an existing water tank within an identified Habitat Corridor, Parcel L20.2.1 (see attached maps), but other alternative sites were being evaluated. These alternative sites have yet to be identified and their environmental impacts evaluated, even though the East Garrison environmental review and project was already approved.

Finally, Section V states that after annexation, customers will be allowed to directly vote for the MCWD Board of Directors. (Presently customers in the Ord Community are represented by their elected county or city officials through the FORA Board of Directors.) It is recommended that the District address whether continued "at large" elections will be permissible under the Voting Rights Act.

Thank you for the opportunity to comment on the IS/ND.

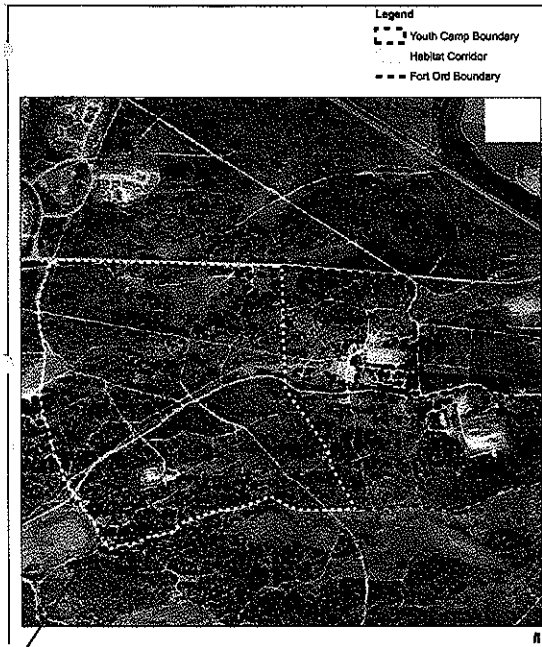
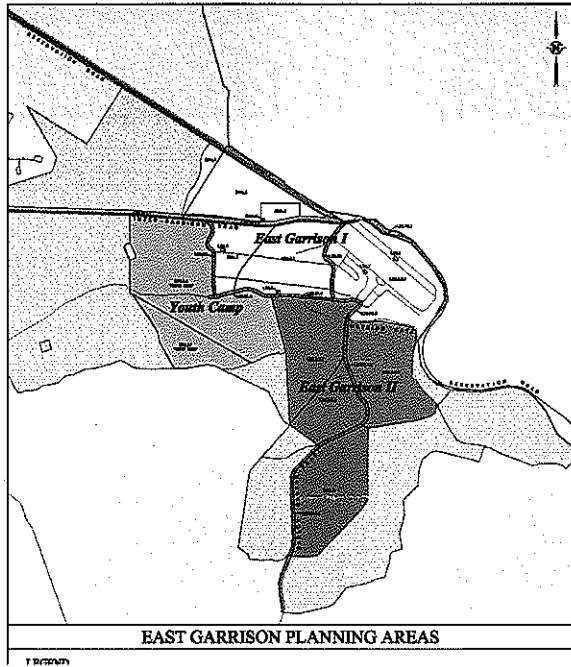
Sincerely,



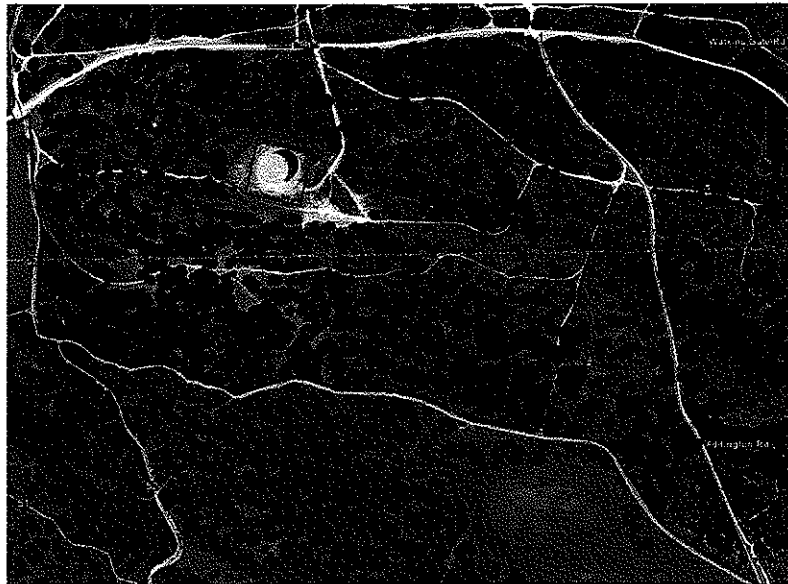
Mike Novo
Planning Director

Attachment

Cc: Nick Nichols
David Lutes
Roger Van Horn



Location of Existing Water Storage Tank on Habitat Corridor Parcel, L20.2.1, that shall be either replaced or alternative sites be found for a 3.2 million gallon water storage tank(s)





MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

December 1, 2011

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DEC 01 2011

Carl Niizawa
Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Street
Marina, CA 93933

BY:.....

Sent Electronically to:
cniizawa@mcwd.org
Original Sent by First Class Mail

SUBJECT: Draft IS/ND for the Marina Coast Water District Ord Community Sphere of Influence Amendment and Service Area Annexation

Dear Mr. Niizawa:

The Monterey Bay Unified Air Pollution Control District (Air District) submits the following comments on the above document. Since the expansion of the service area itself involves no physical projects, these comments apply to future projects within the new service area for which Marina Coast Water District will be the lead agency.

3. Air Quality, Discussion/Conclusion/Mitigation on Page 17.

In the last paragraph on page 17, the Air District recommends adding a reference to the Air District's CEQA Guidelines as a source for Best Management Practices and/or mitigation measures for construction of future development projects.

8. Hazards and Hazardous Materials on Page 23.

The discussion references Rule 306 Asbestos NESHAP Fees, however, the discussion should also include Rule 424 National Emissions Standards for Hazardous Air Pollutants and Rule 439 Building Removal. Rule 424 contains the investigation and reporting requirements for asbestos and Rule 439 applies to all building removals. These rules would be applicable to future demolition of buildings. If you have any questions about District Rule 424, please contact Mike Sheehan, District Compliance Inspector III, at (831)647-9411 x 217.

Finally, the Air District wants to ensure that Marina Coast Water District is aware of the requirements of Rule 216 Permit Requirements for Wastewater and Sewage Treatment Facilities. The rule defines a modification as, "any physical change in method of, or addition to an existing facility, any change in the direct or indirect growth inducing capacity of the subject facility including, but not limited to, changes in population projections used in prior Nonattainment Plan consistency determinations, except that routine maintenance or repair shall not be considered." Please consider whether the proposed project may trigger a modification at an existing facility that would require a permit change.

Thank you for the opportunity to review the above document.

Best regards,

Robert Nunes
Air Quality Planner
(831) 647-9418 ext. 226 or bnunes@mbuapcd.org

Cc: Mike Sheehan, MBUAPCD Compliance Inspector III
Amy Clymo, MBUAPCD Air Quality Planner

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DEC 12 2011

BY:.....

LAFCO of Monterey County

LOCAL AGENCY FORMATION COMMISSION
P.O. Box 1369 132 W. Gabilan Street, Suite 102
Salinas, CA 93902 Salinas, CA 93901
Telephone (831) 754-5838 Fax (831) 754-5831
www.monterey.lafco.ca.gov

KATE McKENNA, AICP
Executive Officer

December 12, 2011

Mr. Carl Niizawa
Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Street
Marina, CA 93933

Re: Comments on the Draft Initial Study/Negative Declaration for a Future Proposal Consisting of a Sphere of Influence Amendment and Annexation of Approximately 44 Square Miles of the Former Fort Ord to the Marina Coast Water District

Dear Mr. Niizawa:

Thank you for the opportunity to comment on the Draft Initial Study and Negative Declaration, and for your courtesy in accommodating our request for an extension of time to submit comments. We appreciate the Marina Coast Water District's efforts to allow continuity in water and wastewater service delivery beyond 2014, and to provide all District customers with representation on its Board of Directors. We also appreciate the efforts that have been made to informally review the District's proposed plans and documents with LAFCO staff and local agencies, and to discuss consistency with State law and local policies and processes. In the spirit of continuing to assist the District in accomplishing its objectives, and in our capacity as a Responsible Agency, the Local Agency Formation Commission considered this matter on December 5 and now offers the following comments for your consideration.

Project Description

Our understanding is that the District intends to expand its Sphere of Influence and to annex all of the former Fort Ord, plus two parcels north of Central Marina that were inadvertently left out of a 2008 annexation project. The project description also states that the District-preferred project "will allow water and wastewater service to continue beyond the FORA expiration

[scheduled for 2014], and will provide customers the ability to vote for the MCWD Board of Directors.”

The proposed Sphere expansion and annexation area includes development parcels within the Cities of Del Rey Oaks, Marina, Monterey, and Seaside and portions of the unincorporated County. Also included in the proposed Sphere and annexation area are protected open space areas that comprise about two-thirds of the former Fort Ord. Major land owners include the U.S. Department of the Interior - Bureau of Land Management, the U.S. Department of Defense, the California Department of Parks and Recreation, the University of California, and the California State University.

As a Responsible Agency for this project, the Local Agency Formation Commission of Monterey County is responding to the District’s “Notice of Availability” in order to assist in preparing an adequate environmental document. LAFCO will rely upon the document when we consider the District’s future application for a Sphere expansion and annexation.

Issue 1: Protected Open Space in the District’s Sphere of Influence and Annexation Proposal

Until recently, the informal project plans discussed with LAFCO staff identified smaller footprints for the District’s Sphere and annexation areas. Those preliminary concepts corresponded with the development parcels identified in the Fort Ord Reuse Authority (FORA) Base Reuse Plan. The project boundaries selected for detailed environmental review now also include the protected wildlife habitat and recreational open space areas that comprise two-thirds of the former Fort Ord. This District-preferred project would make water and wastewater services available to protected open space areas, although there are some safeguards in local governmental plans and conveyance restrictions. This raises a number of significant policy and environmental issues that are not adequately addressed in the Draft Initial Study and Negative Declaration.

The Consistency Analysis in the Draft Initial Study should be revised to expand upon the issue of amending the Sphere of Influence and annexing protected open space lands. It appears that the District-preferred project is inconsistent with the Cortese-Knox-Hertzberg Act and various local LAFCO policies in this regard. Among the major purposes of the Local Agency Formation Commission are the preservation of open space and the discouragement of urban sprawl. These purposes are stipulated in State law and are supported by local LAFCO policies. Sphere of Influence policies of LAFCO of Monterey County require LAFCO to develop and determine Spheres for water and wastewater districts in a way that promotes the long-term preservation of open space (*Policies and Procedures*, Section C.II.9). Local policies prohibit annexations unless a demonstrated need for additional service exists (*Policies and Procedures*, Section D.VII.2). Local policies also discourage proposals that facilitate development that is not in the public interest (*Policies and Procedures*, Section D.VII.6). Although these policies were briefly analyzed in the Draft Initial Study’s Appendix, the analysis is inadequate with respect to the vast protected open spaces proposed to be included in the District’s Sphere of Influence and annexed area.

LAFCO also requests that the Consistency Analysis in Appendix A include an analysis of the "Additional Policies Relating to the Former Fort Ord Area" in Section C.VII of the *Policies and Procedures*. The three policies in this section relate specifically to Sphere of Influence proposals, and encourage a focus on existing facilities and developed areas, region-wide goals, and impacts on open space.

The Draft Initial Study should provide more information about the four identified project alternatives. Because they would exclude the protected open space from annexation, all of the alternatives are environmentally superior to the District-preferred project description. The alternatives would still accomplish the District's objectives of serving development parcels and allowing District customers to vote for the Board of Directors. The alternatives would limit annexation to all or part of the development parcels identified in the FORA Base Reuse Plan. All protected open space would be outside the annexed boundaries of the District, but within the District's Sphere of Influence. Under the project alternatives, isolated visitor-serving, training sites or other limited development in the open space areas could receive necessary water and wastewater services by "island" Spheres/annexations that are allowed for special districts, or by government-to-government contracts (not regulated by LAFCO), or by out-of-area service agreements (regulated by LAFCO).

LAFCO requests that the Draft Initial Study's project description be revised to decrease the size of the annexation area to exclude the protected open space areas. The revised project boundaries should be no larger than those outlined in the alternatives section of the Draft Initial Study. The project description and alternatives should also consider scaling back the Sphere of Influence to the development parcels of the former Fort Ord, and providing services to isolated development in open space areas by one or more of the methods listed above. Discussions of potential growth-inducing impacts, indirect impacts, project alternatives, consistency analysis and related sections should be expanded upon in a revised Initial Study. These revisions to the Draft Initial Study are consistent with reducing the environmental impacts of the project and are consistent with the Cortese-Knox-Hertzberg Act and local LAFCO policies.

Issue 2: Overlap of Agency Boundaries and Duplication of the Authority for Sanitary Sewer Services

As has been discussed on an informal basis, the proposed Sphere of Influence amendment and annexation would result in an overlap of agencies with the authority to provide sanitary sewer services. This overlap of boundaries and duplication of authority would conflict with provisions of the Cortese-Knox-Hertzberg Act and LAFCO of Monterey County's *Policies and Procedures*. We continue to encourage the District to work together with affected local agencies to develop a coordinated approach to the provision of water, wastewater, and recycled water services to current and future development areas of the former Fort Ord. We request that the project description be changed to eliminate inconsistencies with the Cortese-Knox-Hertzberg Act and local LAFCO policies and procedures.

Specifically, the District-preferred project would conflict with the current LAFCO-adopted boundaries of two local agencies that provide sanitary sewer services: the Seaside County Sanitation District and the City of Monterey. As identified in the Draft Initial Study, the proposed boundaries and services of Marina Coast Water District would include developable parcels that are already inside the Sanitation District and City limits.

The Seaside County Sanitation District currently provides sanitary sewer services within the City of Del Rey Oaks. The Sanitation District boundary includes the Del Rey Oaks portion of the former Fort Ord. However, the Marina Coast Water District proposes to extend its boundaries and services into this future development area. Correspondence on this issue has been received from Del Rey Oaks City Manager Daniel Dawson (Attachment A). Mr. Dawson stated his expectations that the Seaside County Sanitation District would provide sanitary sewer services to the City-owned, and City Redevelopment Agency-owned, parcels within the former Fort Ord. In addition to the overlap of boundaries and service providers in this area, it appears that the description of the District-preferred project is in conflict with an existing agreement referenced by Mr. Dawson.

Sanitary sewer services in the City of Monterey are provided by a municipal sanitary sewer system operated by the City. Several developable parcels on the former Fort Ord are in the City of Monterey and may eventually be served by the municipal sanitary sewer system. However, the Draft Initial Study indicates that the Marina Coast Water District intends to serve this area.

In addition, the proposed Marina Coast Water District Sphere/annexation appears to conflict with a planned expansion of the Seaside County Sanitation District's Sphere of Influence into all current and future portions of the Cities of Seaside and Del Rey Oaks. This planned expansion was outlined in correspondence from Seaside County Sanitation District Chair David Pendergrass (Attachment B). Without coordination, the plans of the two districts would create an additional overlap of local agencies with the authority to provide sanitary sewer services, and would constitute an additional policy inconsistency.

Section C.II.6 of LAFCO's *Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization* states that "duplication of authority to perform similar functions in the same territory will be avoided." The project description as stated in the Draft Initial Study also potentially conflicts with other local policies and sections of State law that require LAFCO to avoid the duplication of services and to review the impacts of proposals on the Spheres of Influence of affected local agencies. These sections include Sections C.II.2, D.III.2, and D.V.1 of the *Policies and Procedures* and Government Code sections 56375.5 and 56668 (b, c, and h).

The overlap of local agencies providing sanitary sewer services is first mentioned on page 7 (paragraph 3) of the Draft Initial Study and Negative Declaration, and is repeated in other parts of the document including page 31 (paragraph 3) and Appendix A. The Consistency Analysis contained in the Appendix should be revised to note that the District-preferred project, as currently described, is inconsistent with the Government Code and LAFCO's *Policies and*

Procedures. In sections of the Draft Initial Study and Negative Declaration where the overlap of local agencies with the authority to provide sanitary sewer services is mentioned, as in the top of page A-6, this inconsistency with State law and local policies should be identified and resolved.

We request that the project description in the Draft Initial Study be coordinated with the existing and anticipated boundaries, services, and plans of adjacent local agencies providing the same public services as the Marina Coast Water District. We encourage the District to continue its outreach to local agencies for the purpose of developing a coordinated approach that best meets the service and governance needs of the former Fort Ord, and eliminates the duplication of services. Among the issues to be addressed are the infrastructure re-construction costs and significant investments made by Marina Coast Water District and other service providers; engineering efficiencies; operational costs; connection costs; access to recycled water; community identify and representation, and local control.

Given the multiple jurisdictions and service providers on the former Fort Ord, a coordinated approach will likely include several different solutions. For example, while only one agency can be designated as the wastewater provider in a specific area, another agency may contract with the designated agency to provide all or part of the service. Another approach is to change the boundaries of the proposed District to eliminate the duplication of authority to provide sanitary sewer services. Duplication can also be eliminated by changing the project description to limit the Marina Coast Water District's sanitary sewer powers to those areas where no overlap exists or is anticipated. The District would still be able to request annexation of areas where other local agencies exercise sanitary sewer powers, but in those areas the Marina Coast Water District's powers would be limited to the provision of potable and recycled water.

If requested, LAFCO is willing to invite the parties together for discussions on these issues and other comments listed below.

Other Comments

In addition to the concerns discussed above, the Local Agency Formation Commission offers the following specific comments:

1. **Project Description – Page 1:** Please expand on three items in the draft Project Description. First, the Project Description states that the end of FORA's legal existence is scheduled for 2014. Please describe any changes to the project or process that would result from an extension of FORA's sunset date. Second, the Project Description states that the proposed project would allow customers to vote for the District Board of Directors. Please indicate the intended Board governance structure (at-large or by ward), provide a comparative analysis of current and projected residents/voters in Central Marina and the former Fort Ord, and provide a consistency analysis for compliance with the United States Voting Rights Act. Third, the Project Description indicates that the District currently has two cost centers (Central Marina and the former

Fort Ord), and that the current division of costs and rates would not be affected by the proposed project. Please explain if and how these cost centers could change in the future, and any plans for future District customers to reimburse existing customers for the cost of rebuilding the water and wastewater infrastructure on the former Fort Ord.

2. Seaside High School - Maps on Pages 3 and 4 (Project Background): The maps show the proposed Sphere of Influence Amendment and proposed annexation. Both maps exclude the Seaside High School campus from the proposed expansion. We understand that the Marina Coast Water District currently serves this parcel under a contract with the U.S. Army. We also understand that the parcel is in the City of Seaside and is within a proposed expansion area of the Seaside County Sanitation District. Both districts have an interest in working together to decide which agency should serve the high school. As described in the Draft Initial Study's project description, the proposed Marina Coast Water District's boundaries would create an "island" within the District boundaries. The creation of such an "island" is discouraged by LAFCO policies [*Policies and Procedures* Sections C.II.6 and D.II.3].
3. Latent Powers - Page 5, Paragraphs 1 and 2 (Project Background): The Draft Initial Study/Negative Declaration states that the District "provides water and sewer services and has the latent power to provide fire protection, recreation, and sanitation (garbage) services. The latent powers are not exercised because the City of Marina provides these services." Please clarify that any activation of latent powers by the District would first require approval from LAFCO.
4. LAFCO Terminology - Page 5, Paragraph 3 (Project Background): The document quotes from outdated LAFCO definitions of "Urban Service Area" and "Sphere of Influence." Please quote from the current definitions, which are consistent with State law, and were adopted by LAFCO on April 25, 2011. The updated definitions are provided as Attachment C, and are also on the LAFCO of Monterey County website under *Policies and Procedures*.

As defined in State Law and LAFCO's *Policies and Procedures*, an Urban Service Area is a portion of a city's Sphere of Influence which is now served, or will soon be served, by urban facilities, utilities, and services. It is not the area within the local agency's boundaries where it is legally authorized to provide services. The Draft Initial Study/Negative Declaration seems to use the terms "Service Area" and "Urban Service Area" interchangeably.¹ Use of these terms is confusing because we understand that the District is proposing to annex these areas to the District. Please describe the proposal as a Sphere of Influence amendment and an "annexation to the Marina Coast Water District"—not an "annexation to the MCWD Service Area."

¹ An example of how these terms are used interchangeably in the IS/ND is that while the table of Contents lists Figure 2 as the "MCWD Proposed SA Annexation Area," the figure itself is titled "Proposed MCWD Urban Service Area Expansion."

5. Monterey Peninsula Water Management District – Page 5, Paragraph 4 (Project Background): The Draft Initial Study/Negative Declaration states that the Monterey Peninsula Water Management District “exempts the portions of Del Rey Oaks, Monterey and Seaside that are on the former Fort Ord from MPWMD water supply regulation.” Please expand this statement to indicate if this exemption also applies to unincorporated portions of the former Fort Ord. Please also analyze any impacts resulting from an overlap of boundaries of the Marina Coast Water District and the Monterey Peninsula Water Management District.
6. Service Provider - Page 10, Last Paragraph (Earlier Analyses): The Draft Initial Study/Negative Declaration states that the Bureau of Land Management “may require water and/or wastewater collection services from MCWD.” Please add “or another provider” following MCWD.
7. Service Provider - Page 25, Paragraph 1 (Land Use and Planning): This section states that “as shown in Table 1, the provision of water and wastewater service to the Ord Community was assumed to be the responsibility of MCWD, with the exception of Del Rey Oaks” A review of Table 1, on page 10, contradicts this statement. Table 1 indicates that the General or Master Plans of the City of Seaside, the City of Monterey, the County of Monterey, and the UC MBEST Center have not specified which agency would provide wastewater service. (Table 1 also indicates that the City of Del Rey Oaks has not specified which agency has the responsibility for either water or wastewater.) Please change the Land Use and Planning Section to state that some of the planning documents do not assume that the Marina Coast Water District will be the water and wastewater service provider. It may also be appropriate in this section to address the recent correspondence from the Seaside County Sanitation District and the City of Del Rey Oaks (Attachments A and B).
8. Water Supply and Demands - Page 30-31 (Utilities and Service Systems): Please provide additional information on the District’s current water supply and the ability of the District to meet the projected water demands of development within the former Fort Ord.
9. Sanitary Sewer Services - Page 30-31 (Utilities and Service Systems): Please provide additional information on the District’s wastewater collection capacity, the treatment system capacity and the ability of the District to meet the projected wastewater demands of development within the former Fort Ord.
10. Service Provider - Page A-11, Section VII.2, (Appendix A, Consistency Analysis): Please change the final sentence under the analysis column to acknowledge that the Marina Coast Water District has not been identified as the water supply and wastewater collection entity for all areas within the former Fort Ord.

11. Alternatives (Appendix B): For clarity, please include maps showing the boundaries resulting from each of the alternatives presented.

Conclusion

The Local Agency Formation Commission requests that the Marina Coast Water District revise the project description to exclude protected open space lands of the former Fort Ord and to eliminate conflicts with other providers of sanitary sewer services. We also request that the Initial Study be revised to address the other comments identified in this letter. We respectfully encourage the District to make these changes prior to adopting an environmental document, and prior to applying to LAFCO for a Sphere of Influence amendment and annexation. LAFCO's application requirements will be determined after the project description is refined and the environmental document is adopted by the District. The Local Agency Formation Commission will review the District's future application in light of statutory requirements to encourage the orderly growth and development of local government agencies, to discourage urban sprawl, to preserve open space, and to ensure the efficient provision of local government services.

We appreciate this opportunity to provide comments. Please contact Executive Officer Kate McKenna for assistance in responding to our comments, and to arrange a pre-application meeting to review the LAFCO application requirements and process.

Sincerely,



Simón Salinas
Chair Pro Tempore

Attachments:

- A. Email from Daniel Dawson, City Manager, City of Del Rey Oaks, November 18, 2011.
- B. Letter from David Pendergrass, Chairman of the Board, Seaside County Sanitation District, September 13, 2011.
- C. Definitions of *Sphere of Influence* and *Urban Service Area* from LAFCO's *Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization*.

cc: Anthony J. Altfeld, City Manager, City of Marina
Ray Corpuz, City Manager, City of Seaside & District Mgr., Seaside Co. Sanitation District
Daniel Dawson, City Manager, City of Del Rey Oaks
Michael A. Houlemard, Jr., Executive Officer, Fort Ord Reuse Authority
Fred Meurer, City Manager, City of Monterey
Mike Novo, Planning Director, County of Monterey
David Stoldt, General Manager, Monterey Peninsula Water Management District

Attachment A

From: Daniel Dawson [<mailto:citymanager@delreyoaks.org>]

Sent: Friday, November 18, 2011 8:44 AM

To: Stephenie Fogel; aaltfeld@ci.marina.ca.us; adeamaral@ci.marina.ca.us; alec.arago@mail.house.gov; angonzalez@csumb.edu; annetteyee@aol.com; ashepherd@ci.marina.ca.us; aspear@csumb.edu; betty@mrwpca.com; bice@ucmbest.org; bobh@mrwpca.com; brad@mrwpca.org; Brian True; cdiiorio@ci.marina.ca.us; Chelsea.Holloway@hklaw.com; clinton.w.robinson@us.army.mil; Carl Niizawa; Cook, Jim 755-5384; cribbsaw@pacbell.net; danzini@csumb.edu; dingerso@ci.seaside.ca.us; dingersoll@ci.seaside.ca.us; dplatt@ci.marina.ca.us; dyoung@ci.marina.ca.us; gail.youngblood@us.army.mil; hburch@ci.carmel.ca.us; hharvath@mst.org; lan.gillis@urbancommunitypartners.com; Ingramgp@lx.netcom.com; jcoile@ci.marina.ca.us; Jim Heitzman; jim@mcwd.org; jmarker@csumb.edu; karen.fisbeck@us.army.mil; kathleen.ventimiglia@csumb.edu; keith.mccoy@urbancommunitypartners.com; kesaunders@csumb.edu; kgray@parks.ca.gov; kwolf@federaldevelopment.com; Lee, Kathleen M. 647-7755; lloyre@nheh.com; mbozorginia@ci.marina.ca.us; meurer@ci.monterey.ca.us; michael@fora.org; mierch@csumb.edu; mlewis@ci.seaside.ca.us; Mohammadi, Jayne F. x7708; Nichols, Nick x5386; orcaqr@aol.com; Patrick Breen; Paula Riso; ramos@ci.monterey.ca.us; rchesshire@nccrc.org; rcorpuz@ci.seaside.ca.us; reeves@ci.monterey.ca.us; rks@redshift.com; rochelle.dornatt@mail.house.gov; rose@ci.monterey.ca.us; RRiedl@ci.seaside.ca.us; rsalcedo@ci.seaside.ca.us; scott.hilk@sheahomes.com; steve@sandcity.org; thom.gamble@comcast.net; thom.gamble@sheahomes.com; todd@tamcmonterey.org; tohallow@ci.seaside.ca.us; vnakamura@mpc.edu; David.Eisen@monterey.army.mil; aimamura@DDAPlanning.com; dduffy@DDAPlanning.com; asterbenz@swsv.com; McKenna, Kate 754-5838; mcCuet@monterey.lafco.ca.gov

Cc: Christopher Callihan

Subject: RE: Marina Coast Water District's Ord Community Annexation Notice of Availability/Notice of Intent

I request that it be placed into the public record that; the City of Del Rey Oaks as a current customer of the Seaside Sanitation District has reached agreement between MCWD and the Seaside Sanitation District that all sanitary sewer services south of the Seaside/Del Rey Oaks City Limits line on the former Fort Ord be accomplished via gravity conveyance and that MCWD will honor that commitment to allow the Seaside Sanitation District to provide such service to all of the former Fort Ord lands under ownership of the City of Del Rey Oaks and the Del Rey Oaks Redevelopment Agency.

Daniel Dawson
City Manager
City of Del Rey Oaks
(831)394-8511

Attachment B



SEASIDE COUNTY SANITATION DISTRICT

440 HARCOURT AVENUE * SEASIDE, CALIFORNIA 93955
Telephone (831) 899-6707 Fax (831) 899-6227

September 13, 2011

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Kristin Clark
City of Del Rey Oaks
650 Canyon Del Rey
Del Rey Oaks, CA 93940
(831) 394-8511

Ms. Kate McKenna, AICP Executive Officer
Local Agency Formation Council
of Monterey County (LAFCO)
P. O. Box 1369
Salinas, CA 93902

Dear Ms. McKenna:

I am writing to you on behalf of the Seaside County Sanitation District (SCSD) Board. As you are aware, the SCSD has been in discussions for the past several years regarding the annexation of the former Fort Ord lands which lie within the jurisdictions of the SCSD member entities of Seaside and Del Rey Oaks.

The SCSD Board at their September 13, 2011 meeting formally approved a recommendation to commence the environmental evaluation and review process and proceed to work with LAFCO to submit an application to expand the SCSD sphere of influence to include all areas within the current and future boundaries of the City of Seaside and the City of Del Rey Oaks.

I am writing to notify you personally and to let you know that staff will be scheduling a meeting to discuss our progress and timeline in preparing the application.

Please contact Ray Corpuz, District Manager at 831-899-6701 if you have any questions.

Sincerely,

David Pendergrass
Chairman of the Board

DISTRICT STAFF

Ray Corpuz
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440 Harcourt Avenue
Seaside, CA 93955
(831) 899-6203

Diana Ingersoll
District Engineer
440 Harcourt Avenue
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(831) 899-6825

Patrick McGreal
Legal Counsel
Office of the County Counsel
168 West Alisal Street
Third Floor
Salinas, CA 93901
(831) 755-3313

TO/rs

c/ SCSD Board
Mr. Jim Heitzman, Marina Coast Water District General Manager

Attachment C

Definitions of *Sphere of Influence* and *Urban Service Area* from LAFCO's *Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization*, As Adopted by LAFCO on April 25, 2011

B. DEFINITIONS

24. **Sphere of Influence:** A plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. (Section 56076.) The area around a local agency eligible for annexation and extension of urban service within a twenty-year period.
28. **Urban Service Area:** Developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the Sphere of Influence of a city, which is served by urban facilities, utilities, and services or which are proposed to be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program of the city if the city adopts that type of program for those facilities, utilities, and services. The boundary around an urban area shall be called the "urban service area boundary" and shall be developed in cooperation with a city and adopted by LAFCO pursuant to policies adopted by LAFCO in accordance with Sections 56300, 56301, and 56425. (Section 56080.)



BY CERTIFIED MAIL

December 8, 2011

Mr. Carl Niizawa
Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Street
Marina, CA 93933

RECEIVED
DEC 12 2011

BY:.....

Re: Draft Initial Study/Negative Declaration Document for the Ord Community Sphere of Influence Amendment and Annexation

Dear Mr. Niizawa:

Thank you for the opportunity to review and provide comments regarding the above-noted document. The City of Marina, a responsible agency under the California Environmental Quality Act, has reviewed the draft environmental documents and offers the following comments for consideration as part of the consultation process.

The City recognizes that the Marina Coast Water District (MCWD) has been providing services to the former Fort Ord area through a Water/Wastewater Facilities Agreement between MCWD and the Fort Ord Reuse Authority (FORA) since 1998. The proposed project will formalize the agreement by amending the MCWD Sphere of Influence (SOI) and annexing within the SOI to include all former Fort Ord lands within the MCWD boundary. The MCWD expansion to the south will allow for continuous services beyond 2014 to be provided to those portions of Marina in the former Fort Ord that currently receive services under the 1998 Agreement, including the Dunes and Marina Heights Specific Plan areas, Preston Park, Cypress Knolls, and other lands within Marina's SOI within former Fort Ord.

Additionally, expansion of the SOI and annexation to the District will include the Olson Elementary School and Marina United Methodist Church properties that were inadvertently missed during annexation of Marina Station.

In reviewing the IS/ND, the City of Marina has three requested changes:

1. The City is concerned about the potential for the inclusion of habitat lands on former Fort Ord within the proposed SOI and annexation area, to lead to significant growth inducing impacts upon dissolution of FORA. The MCWD is a service agency, not a land use planning agency, and matters relating to land use change and development fall within the purview of the cities, County of Monterey and State agencies. The MCWD service district project for which the Initial Study and Negative Declaration has been prepared does not change the physical environment directly but relies on the "Constrained Development Scenario" of the Fort Ord Base Reuse Plan to determine build out.

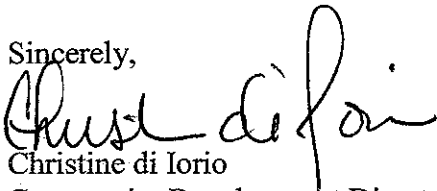
The legislative land use review process will continue to apply to land use and development projects within the SOI and annexation area and subsequent environmental documents will be required for any new development. Therein lies the potential for indirect growth inducement as jurisdictions, in the absence of FORA, may amend General Plans to reflect greater densities and intensities of growth than shown in the Base Reuse Plan, particularly if services may become available.

In order to avoid the potential for significant growth inducing impacts, please adjust the sphere of influence and annexation area boundaries to remove lands designated as "Habitat Reserve" within the Draft Habitat Conservation Plan (ICF Jones & Stokes December 2009) ("Attachment A").

2. The issue of governance is referenced throughout the IS/ND and is used as an evaluation criteria in Appendix B - Alternatives to the Project, but neither voting structure nor taxation are environmental issues and are therefore not pertinent to this review. Please remove references to these issues to as they are not relevant to the provided analysis.
3. The City of Marina concurs with comments raised by the Local Agency Formation Commission (LAFCo) at its meeting of December 5, 2011, that the MCWD proposed services boundaries be amended to resolve overlap with other districts current and future services boundaries to avoid duplication of services. Notably this includes overlap of proposed boundaries with the Seaside County Sanitation District, which provides sanitary sewer services; the City of Monterey City limits, within which sanitary sewer services are provided; and the planned expansion of the Seaside County Sanitation District's Sphere of Influence into the Cities of Seaside and Del Rey Oaks for the provision of sanitary sewer services.

Thank you again for the opportunity to comment. I look forward to continued participation in this process as the documents are reviewed by your Board and the application moves through the LAFCo public hearing process.

Sincerely,


Christine di Iorio
Community Development Director
City of Marina

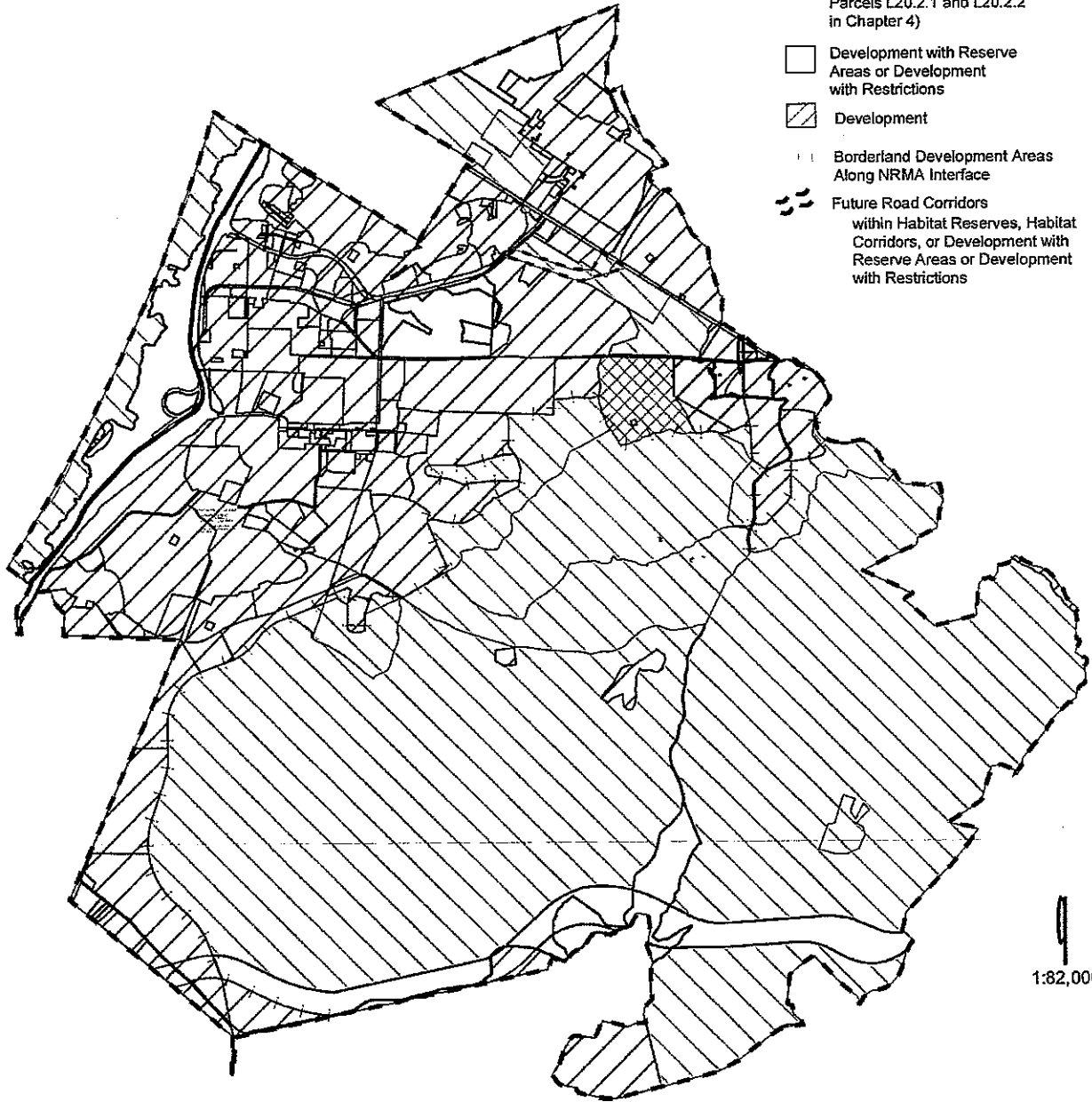
Attachment: Figure 1-3, HMP Management Categories

Notes:

- 1) Polygon boundaries in development areas may be modified, and development polygons may be subdivided or aggregated, before or after transfer. These types of changes in development polygons will not require modifications to this HMP.
- 2) The E11b parcels do not reflect the public benefit conveyance still being coordinated by FORA, the County of Monterey, and Monterey Peninsula Regional College. A portion of these parcels will likely be transferred as public benefit conveyance transfers.

Legend

- — Boundary of the Former Fort Ord
- HMP Management Categories**
- ▨ Habitat Reserve
- Habitat Corridor**
- ▩ Habitat Corridor
- ▧ Portion of Habitat Corridor with Allowance for Future Development (See Figure 4-3 and the Discussion of Parcels L20.2.1 and L20.2.2 in Chapter 4)
- Development with Reserve Areas or Development with Restrictions
- ▨ Development
- ⋯ Borderland Development Areas Along NRMA Interface
- ⋯ Future Road Corridors within Habitat Reserves, Habitat Corridors, or Development with Reserve Areas or Development with Restrictions



1:82,000

Source: Zander Associates

Graphics: Objects 00533.07 HCP (4-09)



SEASIDE COUNTY SANITATION DISTRICT

440 HARCOURT AVENUE * SEASIDE, CALIFORNIA 93955

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Maricela Hernandez, MMC

District Clerk
440 Harcourt Avenue
Seaside, CA 93955
(831) 899-6707

December 13, 2011

RECEIVED
DEC 13 2011

BY:

Mr. Carl Niizawa
Marina Coast Water District
11 Reservation Road
Marina, CA 93933-2099

RE: Ord Community Sphere of Influence Amendment and Service Area Annexation Initial Study/Negative Declaration

Dear Mr. Niizawa:

In review of the proposed Draft Initial Study/Negative Declaration that has been prepared for the Ord Community Sphere of Influence Amendment and Service Area Annexation on behalf of Marina Coast Water District, the Seaside County Sanitation District has the following comments:

Section III Project Background

- On Page 5, it should be noted that the Marina Coast Water District does not currently provide Recycled water to the former Fort Ord Community.

Figure I

- Seaside High School, which is currently served by the MCWD, is not included in Sphere of Influence Amendment or Urban Service Area Boundary. Figure 1 should be amended to include the boundaries of Seaside High School.
- The Sphere of Influence Amendment and Urban Service Area Boundary includes areas in Del Rey Oaks already annexed and included in the Seaside County Sanitation District (SCSD) Sphere of influence.

Mr. Carl Niizawa

MCWD

RE: Ord Community Sphere of Influence Amendment and Service Area Annexation Initial Study/Negative Declaration

December 13, 2011

Page 2

Page 6 It is listed as a key action that the formation of the Ord Community Ad Hoc Committee is to make recommendations to the Board regarding annexation of the Ord Community to the District Service Area. It needs to be noted that the Committee's final recommendation was that the undeveloped areas of Seaside, Del Rey Oaks, and Monterey located within the Ord Community south of Eucalyptus Road would be served by the Seaside County Sanitation District.

Section V Project Description

Page 7 Pre-Paid capacity through Monterey Regional Water Pollution Control Agency should include "first come first served" since there is not adequate capacity for the former Fort Ord developments. There is no guarantee that pre-paid capacity would be available to the undeveloped areas of Seaside and Del Rey Oaks.

Section V Earlier Analysis

Page 8 It is not true that the impacts of annexation would only result in reorganization of district boundaries. If the Gravity model is not utilized there would be additional construction, energy usage, air quality, and noise impacts due to the force main option of conveying wastewater north on General Jim Moore Road. The document needs to study the alternative where MCWD is the provider and gravity flow through the existing SCSD is not an option.

XI Environmental Checklist

Page 25 It is not accurate to indicate that the Ord Community assumed that the MCWD would provide water and wastewater service. It needs to be stated that it was recommended by the Ord Community Ad Hoc Committee that the undeveloped areas of Seaside, Del Rey Oaks, and Monterey located within the Ord Community south of Eucalyptus Road would be served by the Seaside County Sanitation District.

Page 31 It needs to be corrected that it is the City of Del Rey Oaks, not the City of Seaside that has been pursuing planning for the development of a golf resort project in the City of Del Rey Oaks.

Appendix B

Page B-1 Under Alternative 1 it is stated that if MCWD were to only annex the areas it currently serves under contract or within the 5- or 10 year development areas that it would be the only logical option for MCWD to provide service. It needs to be noted in the discussion of Alternative 1 that the undeveloped areas of the City of Seaside adjacent to Eucalyptus Road and GJM and the

Mr. Carl Niizawa

MCWD

RE: Ord Community Sphere of Influence Amendment and Service Area Annexation Initial Study/Negative Declaration

December 13, 2011

Page 3

undeveloped area of Del Rey Oaks are immediately adjacent to SCSD facilities and are currently within the SCSD service area.

Page B-5 Paragraph 5 indicates that the SCSD does not have existing connections to the regional treatment system. This statement is not accurate. The SCSD area bordered by General Jim Moore in Seaside and Del Rey Oaks provides connection via the SCSD system to the regional treatment facilities.

Alternatives analysis

Include as alternative an option where the SCSD serves wastewater to the undeveloped areas adjacent to General Jim Moore and Eucalyptus in the cities of Del Rey Oaks, Seaside and Monterey that can be gravity fed to existing SCSD wastewater infrastructure.

Include an option which is a variation of Alternative 1 but doesn't allow connection to SCSD system.

If you have any questions or comments regarding the City of Seaside's comments, you can contact me at (831) 899-6726.

Sincerely,

SEASIDE COUNTY SANITATION DISTRICT

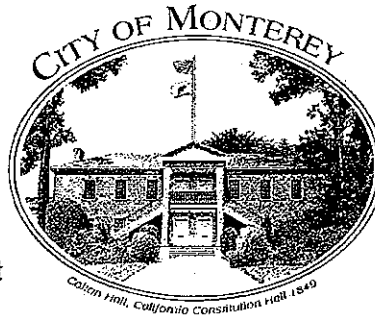

Diana Ingerrissoll
SCSD District Engineer

DI/TO/mh

c/ Chairman David Pendergrass, City of Sand City
First Vice Chairman, Felix Bachofner, City of Seaside
Second Vice Chairman, City of Del Rey Oaks
Ray Corpuz, City Manager, City of Seaside – District Manager, SCSD
Don Freeman, City Attorney, City of Seaside
Tim O'Halloran, City of Seaside Public Works Services Manager
Steve Matarazzo City Administrator, City of Sand City
Jim Heisinger, City Attorney, City of Sand City
Daniel Dawson, City Manager, City of Del Rey Oaks
Kris Callihan, City Attorney, City of Del Rey Oaks
Michael Houlemard, Fort Ord Reuse Authority
Kate McKena, LAFCO Executive Officer
Seaside City Council

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DEC 14 2011

BY:.....



December 14, 2011

Carl Niizawa
Deputy General Manager
Marina Coast Water District
2840 4th Street
Marina, CA 93933

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
JEFF HAFERMAN
NANCY SELFRIDGE
FRANK SOLLECTIO

City Manager:
FRED MEURER

Via Email: cniizawa@mcwd.org

Subject: Comments Regarding Draft Initial Study/Negative Declaration for the Ord Community Sphere of Influence Amendment and Service Area Annexation

Dear Mr. Niizawa,

Thank you for the opportunity to comment on the above referenced environmental document for the Ord Community Sphere of Influence Amendment and Service Area Annexation. The City of Monterey supports the District's efforts in providing the opportunity for full representation on the District Board for all of the service recipients.

The City of Monterey has one primary concern regarding the proposed sphere of influence amendment and service area annexation. That concern is that there is disagreement among the interested parties of Marina Coast Water District (MCWD) and Seaside County Sanitation District (SCSD) and the Fort Ord Reuse Authority (FORA) as to which entity is responsible for providing sewer service to the region of the former Fort Ord that lies within the cities of Seaside, Del Rey Oaks and Monterey. This issue has been brought forth and discussed numerous times at venues such as the FORA Water Wastewater Oversight committee but to no resolve. The subject IS/ND even discloses this controversy but then dismisses it (ref. pg. 7 of the IS/ND).

The City of Monterey has no opinion or position at this time as to the best way to provide service to this region of the former Fort Ord. And the proper theatre for that discussion is with FORA and all of the interested parties including the cities that will be served in this area. The IS/ND cannot avoid the issue of this pending overlap. Provisions of the Cortes-Knox-Hertzberg Government Reorganization Act appear to be violated. Specifically, sections 56425(a) and (b) as well as 56668.3 states that the boundaries are to facilitate the logical and orderly development and coordination of the communities and detachment from existing jurisdictions needs to be considered respectively. The statement given in the analysis to Table A-2 of the Cortes-Knox-Hertzberg consistency analysis under item II "Policy Guidelines For Sphere of Influence (6) is dismissive of the fact that the proposed action will create an overlap of providers.

We urge the MCWD, SCSD, City of Monterey FORA and LAFCO to resolve this matter now before any amendment to the sphere of influence or annexation of service area occurs.

Please give me a call at 831-646-3760 if you would like to discuss any of these issues with me or the City's engineering staff.

Sincerely,


Fred Meurer
City Manager

REVISED 11/17/2011

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NOV 21 2011

City of Monterey
PEEC DIVISION

**NOTICE OF AVAILABILITY/NOTICE OF INTENT
TO ADOPT A NEGATIVE DECLARATION**

**Marina Coast Water District – Ord Community Sphere of Influence Amendment
and Service Area Annexation Project**

All changes to the original notice are represented through ~~strike through~~ for language removed and underline for language added.

UPDATES: 1) PUBLIC REVIEW PERIOD EXTENDED THROUGH DECEMBER 15, 2011
2) PUBLIC HEARING RESCHEDULED FOR JANUARY 10, 2012

NOTICE IS HEREBY GIVEN that the Marina Coast Water District (MCWD) has prepared a Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA) contained in Cal. Pub. Res. Code Section 21000 et seq. for the Ord Community Sphere of Influence amendment and Service Area Annexation Project that is comprised of a change to the MCWD jurisdictional boundaries. The Draft Initial Study and Negative Declaration are posted on the Marina Coast Water District's website: www.mcwd.org. Document copies are also available for review at the Marina Coast Water District's offices at 2840 4th Street, Marina, CA 93933 and 11 Reservation Road, Marina, CA 93933; Seaside Branch Library, 550 Harcourt Avenue, Seaside, CA 93955; Marina Branch Library, 190 Seaside Circle, Marina, CA 93933; and Monterey Public Library, 625 Pacific Street, Monterey, CA 93940.

Written comments on this Negative Declaration will be accepted for ~~31~~ 46 days from October 31, 2011 through ~~November 30~~ December 15, 2011. Comments can also be made during the MCWD Board Hearing on ~~December 13th~~ January 10, 2012, 7:00 pm at the MCWD Administration and Customer Service Office, 11 Reservation Road, Marina, CA 93933-2099.

Project Description: The proposed project is the Marina Coast Water District's (MCWD or the District) Ord Community Sphere of Influence (SOI) amendment and Service Area (SA) annexation in accordance with relevant codes and ordinances of the District and local jurisdictions, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. MCWD proposes to amend their SOI and expand their SA to include all of the former Fort Ord, the development of which is guided by the Fort Ord Reuse Authority (FORA) and their Fort Ord Reuse Plan, and the relevant City and County General Plans, and Master Plans for California State University Monterey Bay (CSUMB), Fort Ord Dunes State Park, and University of California Monterey Bay Education, Science and Technology Center. The District currently provides service to this area as outlined in the Water/Wastewater Facilities Agreement between FORA and MCWD (1998). The end of FORA's legal existence is scheduled for 2014. The proposed project will allow water and wastewater service to continue beyond the FORA expiration, and will provide customers the ability to vote for the MCWD Board of Directors. In addition, a small area containing a school and a church that presently receive water from MCWD and are within MCWD's Central Marina customer area will be added to MCWD's SA to eliminate an island within the District that was inadvertently created during the last SA annexation of property north of Marina. In accordance with disclosure requirements in CEQA guidelines section 15072 (g)(5), this notice hereby discloses that the proposed project site contains the entire Fort Ord property that was placed on the National Priorities List of Hazardous Waste Sites (Superfund List) in 1990, as identified on the list enumerated under Section 65962.5 of the Government Code.

FOR ADDITIONAL INFORMATION CONTACT:
Carl Niizawa, Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Street, Marina, CA 93933
(831)883-5925 or cniizawa@mcwd.org

CONTINUED ON BACK

REVISED 11/17/2011

We welcome your comments during the 31 46-day public review period. You may submit your comments in hard copy to the name and address above. Marina Coast Water District also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the District has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to cniizawa@mcwd.org.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the District to ensure the District has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g., number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 384-0197. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the District to confirm that the entire document was received.

For reviewing agencies: The District requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments.

All written comments on the Initial Study/Negative Declaration should be addressed to:

Carl Niizawa, Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Avenue, Marina, CA 93933
(831)883-5925 or cniizawa@mcwd.org

Re: Marina Coast Water District Ord Community Sphere of Influence Amendment and Service Area Annexation

From: Agency Name: City of Mantoloking
Contact Person: Fred Medina
Phone Number: 646-3760

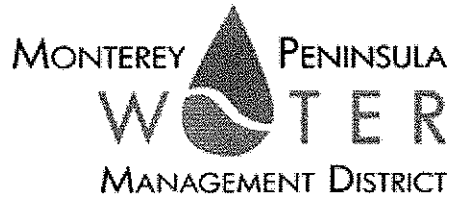
No Comments provided

Comments noted below

Comments provided in separate letter

COMMENTS:

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DEC 15 2011



BY:.....

December 15, 2011

Carl Niizawa, Deputy General Manager/District Engineer
Marina Coast Water District
2840 4th Avenue
Marina, CA 93933

SUBJECT: Comments on Negative Declaration – Ord Community Sphere of Influence
Amendment and Service Area

Dear Mr. Niizawa:

This letter is to provide comments from the Monterey Peninsula Water Management District (MPWMD) on the proposed Negative Declaration by the Marina Coast Water District (MCWD) to expand its sphere of influence (SOI) and service area into portions of Fort Ord. The proposal is described in the "Draft Initial Study/Negative Declaration for the Ord Community Sphere of Influence Amendment and Service Area Annexation," dated October 31, 2011.

The Project Background could be improved with some additional information about the existing commitments and responsibilities of local agencies with authority over and responsibility for water resources in the former Fort Ord area. While the Ord Community appears to be a complex puzzle of overlapping agencies, a number of agreements between resource agencies have been developed to help clarify jurisdictional responsibilities.

The following comments refer to specific pages and paragraphs in the Draft Negative Declaration.

Page 5: paragraph 4

The MCWD text states:

"The Monterey Peninsula Water Management District manages groundwater and surface water resources, but exempts the portions of Del Rey Oaks, Monterey and Seaside that are on the former Fort Ord from MPWMD water supply regulation."

The above statement is a mischaracterization of MPWMD's authority over water resources in the portion of Fort Ord within the MPWMD boundary and needs clarification. MPWMD regulates all surface and groundwater resources within its boundary, including areas overlying the Seaside Groundwater Basin and the portions of Del Rey Oaks, Monterey, and Seaside that are on the former Fort Ord. However, under MPWMD Rule 20.C.11, Exemptions for Water

Carl Niizawa
December 15, 2011
Page 2 of 6

Distribution System Permit, a MPWMD Water Distribution System Permit is not required for the following situation:

11. For a Water Distribution System that serves water to Parcels within the Former Fort Ord Lands within MPWMD, but that does not derive water from the Seaside Groundwater Basin or the Carmel River Basin, including the Carmel Valley Alluvial Aquifer.

It should be noted that MPWMD will continue to exert statutory authority over water resources within the MPWMD boundary.

Page 5: paragraph 4

Please consider making the following change shown in bold and strikeout in the first sentence:

“Potable w~~Water~~ supply for the Ord Community comes from the Salinas Valley Groundwater Basin ...”

Also in the same paragraph, the following revision should be made to clarify the locations within the Ord Community where MCWD would need authorization from MPWMD to place wells:

“The SVGB aquifer only extends into the northern and eastern portions of the Ord Community, so MCWD wells cannot be relocated into the cities of Seaside, Del Rey Oaks, or Monterey or into unincorporated areas overlying the Seaside Groundwater Basin.

Page 5: paragraph 5

The MCWD text states:

“The RUWAP Recycled Water Project would use recycled water from the existing Salinas Valley Reclamation Plant and deliver it to the urban landscaped areas within the Ord Community (currently planned for up to 1,000 AFY based upon the certified Coastal Water Project EIR or up to 1727 AFY pursuant to the RUWAP project).”

Please note that MPWMD is working to develop a Salt and Nutrient Management Plan for the Seaside Groundwater Basin (SGB). The plan will be in compliance with the California State Water Resources Control Board Recycled Water Policy and will meet the requirement for all basins to prepare and adopt a Salt and Nutrient Management Plan by May 14, 2014. It should be noted that the RUWAP project and others that propose to use recycled water in the SGB may be subject to the requirements in the plan. Stakeholders in the SGB will have an opportunity for input into the plan, which is being completed as part of an update to the Integrated Regional Water Management (IRWM) Plan and anticipated to be adopted by MPWMD after its

completion in mid-2013.

The following comments are primarily directed to the interaction and boundaries of the aquifers underlying Fort Ord that provide potable water to Central Marina, the Ord Community and to the Monterey Peninsula.

Figure 1 (attached) shows the proposed SOI and other relevant boundaries, including the MPWMD boundary and the SGB boundary. It is clear that a substantial portion of the area proposed for annexation overlies the SGB and is within the MPWMD boundary. Of particular concern is that the current pumping depressions in the Salinas Valley and the El Toro Creek area influence groundwater levels and availability in the SGB. In addition, there is some concern about the potential flow of saltwater from previously intruded areas near the Fort Ord Main Garrison, just north of the SGB. Over 50% of the groundwater yield in the coastal subareas of the SGB consists of groundwater inflow from the inland subareas¹. Thus, activities that would affect groundwater quality or quantity in the SGB would be subject to scrutiny by the Seaside Groundwater Basin Watermaster and MPWMD.

MCWD's 2010 Urban Water Management Plan projects population growth in the Ord Community and Central Marina to more than double over the next 20 years from 32,184 to 69,887 and for water demand to triple over the same period from 4,038 acre-feet/year (AFY) to 12,216 AFY. In the Ord Community alone, the 2030 demand (8,172 AFY) significantly exceeds the existing allocation of 6,600 AFY and this projected demand was revised downward due to present economic pressures. The Negative Declaration provides little detail about how MCWD expects to serve this expanded population.

Bottom of page 5/top of Page 6

The MCWD text states:

“Regardless of the governance model selected, current and future water supply for the Ord Community will originate on the northern boundary of the former Fort Ord and the governance structure proposed herein would not affect planning, permitting, or design for those projects.”

It is clear, based on the recent experiences with the Regional Desalination Project, that the governance structure for water supply projects is inextricably linked with planning, permitting, design, and the funding for such projects. MPWMD is concerned that MCWD's efforts to supply both Central Marina and the Ord Community from the Pressure Area in the Salinas

¹ See Table 2. “Estimated Average Annual Groundwater Balance for the Seaside Basin (acre-feet)” in Seaside Groundwater Basin Update on Water Resource Conditions, Prepared for: Monterey Peninsula Water Management District, Prepared by: Eugene B. (Gus) Yates, CHg 740, Martin B. Feeney, CHg 145, Lewis I. Rosenberg, CEG 1777, April 14, 2005.

Carl Niizawa
December 15, 2011
Page 4 of 6

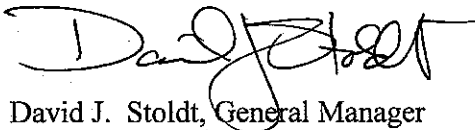
Valley Groundwater Basin could impact the SGB quantity and quality.

MCWD, MPWMD, the Monterey Regional Water Pollution Control Agency (MRWPCA), and the Monterey County Water Resources Agency (MCWRA) all have significant responsibilities in the Ord Community and surrounding area to manage surface and groundwater, potable water, wastewater, and recycled water. Since 2005, MPWMD has facilitated the development of an Integrated Regional Water Management (IRWM) Plan in the region consisting of the Monterey Peninsula and a portion of the Ord Community within the MPWMD boundary. In 2008, MPWMD helped form a Regional Water Management Group (RWMG) with the City of Monterey, the Big Sur Land Trust, MCWRA, and MRWPCA to integrate the management of water resources in region. Marina Coast Water District subsequently requested to be a part of this group and an amended Memorandum of Understanding to add MCWD to the Regional Water Management Group is in process.

The Ord Community would likely benefit from a stronger commitment from all of the agencies in the RWMG to provide a reliable water supply and to manage the resources available to the Ord Community. MPWMD intends to work with the Cities, Monterey County and other agencies within the region to update the IRWM Plan over the next two years. This will include identifying Ord Community needs and prioritizing projects that benefit the Ord Community and the Monterey Peninsula such as the Regional Desalination Project, RUWAP and the MRWPCA Groundwater Replenishment Project.

If you have questions about this letter, please call me at (831) 658-5651 or you may call Larry Hampson, District Engineer, at (831) 658-5620.

Sincerely,



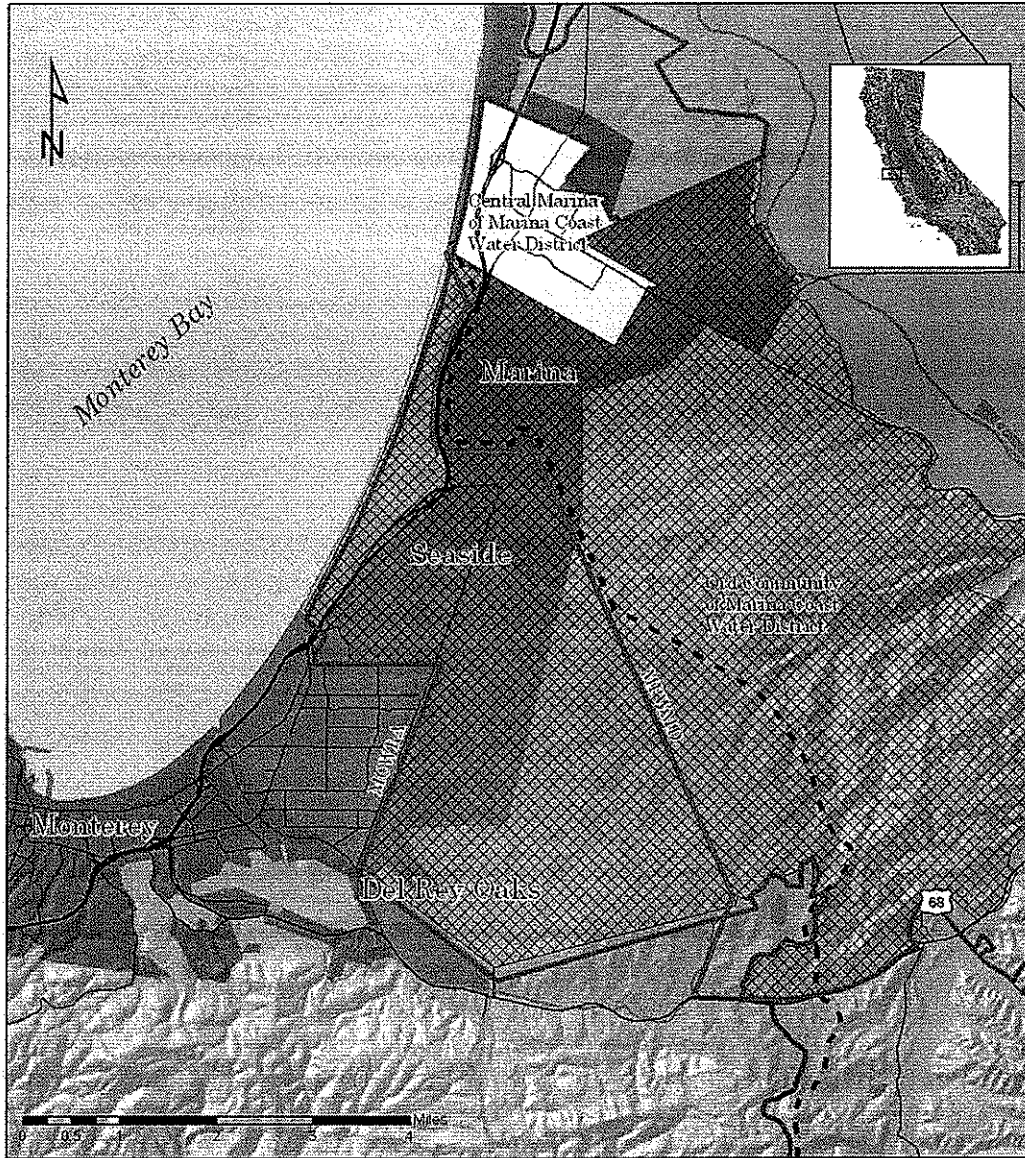
David J. Stoldt, General Manager

Enclosures: Figure 1 – Ord Community Area Boundaries

cc: see attached list

U:\mpwmd\Marina Coast Water District\Ord Community Service Area\MPWMD Comments on MCWD Annexation15Dec2011.docx

Figure 1 - Ord Community Area Boundaries



- - IRWMP Area
- MPWMD Boundary
- Rivers
- Roads
- City Limits
- MCWRA Boundary
- ▤ Central Marina portion of Marina Coast Water District
- ▦ Ord Community portion of Marina Coast Water District
- ▧ Seaside Groundwater Basin

Projection: UTM Zone 10N
 Datum: NAD 1927
 April 19, 2009



Carl Niizawa
December 15, 2011
Page 6 of 6

Copies of this letter were provided to the following:

Local Agency Formation Commission
Kate McKenna, AICP, Executive Officer
132 Gabilan St. Suite 102
Salinas, CA 93902

Big Sur Land Trust
Donna Meyers
509 Hartnell Street
Monterey, CA 93940

Tom Reeves, City Engineer
City of Monterey
City Hall
Monterey, CA 93940

Monterey County Water Resources Agency
Robert Johnson, Assistant General Manager
P.O. Box 930
Salinas, California 93902

Monterey Peninsula Water Management District
Larry Hampson, District Engineer
P.O. Box 85
Monterey, California 93942-0085

Monterey Regional Water Pollution Control Agency
Brad Hagemann, P.E.
Assistant General Manager
5 Harris Court, Bldg. D.
Monterey, California 93940-5756



Monterey Regional Water Pollution Control Agency

*"Dedicated to meeting the wastewater and reclamation needs
of our member agencies, while protecting the environment."*

Administration Office:
5 Harris Court, Bldg. D, Monterey, CA 93940-5756
(831) 372-3367 or 422-1001, FAX: (831) 372-6178
Website: www.mrwPCA.org

December 15, 2011

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DEC 15 2011

Mr. Carl Niizawa
Assistant General Manager
Marina Coast Water District
2840 4th Street
Marina, CA 93933

BY:

Dear Carl,

**RE: Draft Initial Study for the Ord Sphere of Influence Amendment
and Service Area Annexation**

We ask that the following comments be considered as part of your proceedings:

A. General Comments

MRWPCA owns and operates the Regional Recycled Water Facility formally known as Salinas Valley Reclamation Project (SVRP). By contract with MCWRA most of the recycled water produced is provided to agricultural customers through a distribution system known as Castroville Seawater Intrusion Project (CSIP).

By agreements, some of the recycled water is reserved for future use by both MCWD and MRWPCA.

MRWPCA has participated in the development of the Regional Urban Water Augmentation Project (RUWAP) recycled water project with the MCWD. Per agreements, MRWPCA would wholesale recycled water to MCWD at the MRWPCA Regional Treatment Plant boundary. A very valuable increment of recycled water is being made available to the MCWD by the MRWPCA for the purposes of this project.

There are several other projects for which recycled water needs to be reserved. MRWPCA has been planning for a number of years for recycled water delivery to various Monterey Peninsula cities through expansion of the RUWAP project. Also under consideration is recycled water for some county areas along Highway 68.

There is an MRWPCA project that would inject water into the Seaside Groundwater Basin. This project is called the Monterey Peninsula Groundwater Replenishment Project (GWR). This high-quality water would be produced by MRWPCA providing advanced treatment of wastewater, similar to the successful Orange County Water District efforts. This project would benefit other members of the region.

In addition, MRWPCA has contributed some of its outfall capacity to MCWD for regional water project brine disposal.

Any actions taken as part of the proposed annexation process should not be structured to interfere with the MRWPCA regional recycled water and GWR plans outlined above. Through the RUWAP, MCWD will be authorized to use a very significant quantity of MRWPCA's valuable summer-season recycled water. It is important from a regional standpoint, and given the other members of our community who will need some of the benefit of this valuable resource, to maintain the capability for an equitable distribution.

B. Specific comments on the initial study:

1. Page 30, last sentence of third full paragraph of Section 17

Comment The MRWPCA Regional Plant has a permitted capacity of 29.6 MGD, not 27 MGD.

2. Page 31, third paragraph.

Comment: The supplemental water for the Reuse Plan consists of 1,200 AFY of desal water and 1,200 AFY of recycled water – **not** 2,400 AFY of recycled water.

3. Page 31, third paragraph *"According to the UWMP, MCWD has the right to obtain treated wastewater from MRWPCA's regional treatment plant equal in volume to the volume of MCWD wastewater treated by MRWPCA and additional quantities not otherwise committed to other users. As a result, the Ord Community areas that are contributing*

wastewater through MCWD's collection system have a right to recycled water return flow."

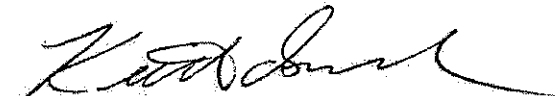
Comment: We do not consider this as an accurate description of the rights to recycled water from the FORA areas that are tributary to the MCWD collection system. If the annexation depends upon this, the project should be re-considered before proceeding further.

4. Appendix B, page B-5, last full paragraph.

Comment: Suggest that this paragraph be rewritten as follows:

"When the water and sewer infrastructure on the former Fort Ord was conveyed to MCWD, MCWD also received the Army's groundwater allocation from the SVGB and the wastewater capacity reservation at the MRWPCA Regional Wastewater Treatment Plant. The groundwater allocation has been formally sub-allocated by FORA among the land use jurisdictions in the Ord Community, but the wastewater capacity has not. The Army retained 1.08 mgd and FORA/MCWD received 2.22 mgd. The 2.22 mgd wastewater capacity reservation has been used on a first-come, first-served basis. Developments that occur after the 2.22 mgd of capacity is fully used will be required to purchase capacity from MRWPCA unless the Army transfers a portion of its 1.08 mgd. Under this alternative, MCWD and FORA would be required to allocate wastewater capacity among the wastewater collection entities within the Fort Ord Parcel."

Yours truly,



Keith Israel
General Manager

Z:\General Manager\MCWD\Annexation of Ft Ord\Niizawa Service Area Annexation 12-2011.doc

cc: LAFCO

Paula Riso – MCWD, 11 Reservation Road Office

LAW OFFICES OF
MICHAEL W. STAMP

Facsimile
(831) 373-0242

479 Pacific Street, Suite One
Monterey, California 93940

Telephone
(831) 373-1214

December 15, 2011

Facsimile to 831-883-5960

Jim Heitzman, General Manager
Carl Niizawa, Deputy General Manager
Marina Coast Water District
11 Reservation Road
Marina, California 93933

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DEC 15 2011

BY:.....

Re: "Ord Community Sphere of Influence Amendment and Service Area
Annexation" initial study/negative declaration

Dear Mr. Heitzman and Mr. Niizawa:

This Office represents Keep Fort Ord Wild. These comments are made on the initial study and proposed negative declaration ("the documents") for the proposed annexation of Fort Ord lands and other lands ("the project"). The documents are inadequate under CEQA. The project would cause significant unanalyzed and unmitigated environmental impacts that are not discussed in the documents. An environmental impact report should be prepared.

Keep Fort Ord Wild Joins In Comments by Others

Keep Fort Ord Wild expressly joins in each and every comment made on the environmental documents by the Local Agency Formation Commission of Monterey County (LAFCO) and LandWatch Monterey County, including the comments in letters dated December 12, 2011 and November 17, 2011, as well as the comments made by others with concerns about the adequacy of the documents. In the interest of preserving resources, we do not attach those letters here or reiterate the comments made.

Keep Fort Ord Wild Comments on the Draft Initial Study/Negative Declaration

Keep Fort Ord Wild notes that the documents fail to adequately describe the water sources currently used by Marina Coast. Marina Coast pumps water from the Deep Aquifer in the Salinas Valley Groundwater Basin. The Deep Aquifer is an unsustainable source. The Deep Aquifer is not being recharged due to the overpumping of the overlying shallower aquifers in the Salinas Valley Groundwater Basin. The documents should discuss the acknowledged overdraft of the Salinas Valley Groundwater Basin, as discussed and disclosed on other major EIRs.

Despite the overdrafted water supplies, Marina Coast now proposes to expand its water service area by some 44 square miles, and claims that service of water to those areas would not have any environmental impact. That claim is not accurate.

Within the current Marina Coast boundaries and within the proposed service area, there are limited water resources and limited water rights to those resources. The documents fail to show the legal rights to the limited water resources, and which of those rights and which of those resources are available to provide water to the various geographical areas and political and watershed boundaries within the proposed Marina Coast service area. The status of those rights should be discussed fully.

The documents fail to discuss where future water supplies would come from, and what impacts the provision of those supplies would have. This discussion should focus on actual "wet" water, and not theoretical "paper" water (e.g., vague assertions of water rights, future entitlements, future unbuilt projects, etc.).

The environmental documents refer to and improperly state that the former Fort Ord has an unqualified "right" to 6,600 AFY water supply. Those claims are not accurate, and do not reflect the environmental impacts associated with the pumping of that amount of water. The 6,600 AFY requires certain conditions which should be discussed adequately, as well as whether the conditions have been met, because the conditions have not been met. Under the 1993 Agreement, only 5,200 AFY may be pumped from the 180- and 400-foot aquifers in the Salinas Valley Groundwater Basin. The circumstances of the claimed "right" to 6,600 AFY and the impacts of exercising that "right" are inadequately discussed in the documents.

The 1993 MCWRA Agreement that discussed the use on Fort Ord lands of 6,600 AFY under certain conditions and 5,200 AFY under other conditions was expressly conditioned on a contemplated "long term, reliable" water system that would allow the cessation of pumping from Salinas Basin groundwater wells on the Fort Ord lands (at p. 4). The 1993 Agreement (at p. 3) stated that "stopping all pumping from the Salinas Basin on Fort Ord Lands is necessary to mitigate seawater intrusion." There is no long term reliable sustainable water supply for Fort Ord. All pumping from the Salinas Basin on Fort Ord Lands has not stopped. The current level of pumping is causing environmental harm, and an increased level of pumping will cause increased harm.

The documents fail to state that the Regional Project would rely on six coastal wells pumping from the coastal Salinas Valley Groundwater Basin. Therefore, the Regional Project is not the "project" as defined in the 1993 MCWRA Agreement. Further, because according to the 1993 Agreement (e.g., at p. 5 [Terms & Conditions, item c]) the former Fort Ord may withdraw a maximum of 6,600 AF from the Salinas Basin, and only 5,200 AF from the 180- and 400-foot aquifers, then any pumping for the Regional Project from the SVGB that provides water supply to the former Fort Ord Land should be subject to that limit. The documents fail to discuss these issues.

The documents fail to disclose that the Regional Project EIR has been challenged under CEQA, and the uncertainty that surrounds the EIR and that project as

a result. The documents fail to disclose that both Marina Coast and MCWRA have been sued with regard to the Regional Project's lack of water rights and exportation of water from the Salinas Valley groundwater basin, and the similar resulting uncertainty.

The documents fail to include a map that shows the Salinas Valley Groundwater Basin and the adjudicated Seaside Groundwater Basin, and the location of wells within each basin and the ownership of each well. The documents fail to include a map that shows the Laguna Seca groundwater area, which is being over pumped and the location of wells within that area. These locations are important to providing baseline information and evaluating the environmental impacts.

The analysis fails to disclose the existing overdraft of all the possible groundwater supplies for the service area, and the lack of realistic future water supplies from other sources. There are insufficient water supplies available to serve the proposed service area and sphere of influence. New or expanded entitlements would be needed, and at this point such entitlements are not possible. The Salinas Valley Groundwater Basin (SVGB) is an overdrafted basin, which means that groundwater is generally not available to be newly appropriated by appropriators like Marina Coast Water District. If Marina Coast believes otherwise, it should present its position and specific citations to the pages of documents which support Marina Coast's claims. Water rights are an environmental issue under CEQA.

The analysis is inadequate because it does not adequately discuss the impacts of taking the water from the overdrafted Salinas Valley Groundwater Basin. The analysis also is inadequate because it fails to discuss that Marina Coast cannot export water from the SVGB, and the proposed service area includes land outside the SVGB.

On page 5, the sentence that begins with "However, under the agreement with MCWRA," the discussion is vague as to the references to Zones 2/2A and "that source."

The discussion of the existing water rights is inadequate, vague and ambiguous. The discussion should clarify the difference between water rights and the environmental impact of taking the water, and "the right to provide" water (e.g., p. 5). The discussion should determine the legal ability and right of MCWRA to make arrangements regarding water rights, and should not assume that the agreements are valid.

The statement that begins with "The District has constructed" (p. 5) is inconsistent in its reference to "Ord Community" with the definition provided in footnote 1 (p. 1). It is confusing and unclear what is meant.

The documents claim that MPWMD "exempts" Fort Ord "from MPWMD water supply regulation" (p. 5). No citation is provided for the claim. The claim is not

accurate. Under the MOA as amended between MPWMD, MCWRA and PVWMA, MPWMD has authority to regulate the management of the Seaside groundwater basin within the former Fort Ord boundaries. This authority affects the analysis in the documents. The adjudication of the Seaside basin adds complexity to the situation. The documents fail to adequately discuss the jurisdiction of the regulatory authorities.

The discussion of the area "south of Eucalyptus Road (see Figure 2)" (p. 7) is confusing. Figure 2 does not show Eucalyptus Road.

Contrary to the claims in the documents, the Fort Ord Reuse Plan EIR does not describe all infrastructure required, including, without limitation, all infrastructure required for water and wastewater needs. The claims are not supported. For each such claim, please provide the specific references to the pages, figures and tables in the referenced sources. The project would require or result in the construction of new or expanded water and wastewater facilities, which could cause significant environmental effects.

The sentence that begins with "The required CEQA analysis . . ." and concludes with "therefore, no additional analysis is presented or required herein" (p. 8) is unclear, inaccurate, and unsupported by documentary references. The CEQA analysis of the infrastructure is not adequate. If Marina Coast claims otherwise, it should provide the specific citations to the pages of the documents on which Marina Coast claims to rely.

The discussion of the adopted "constrained development" plan (p. 9) is inadequate. The theoretical maximum is not the baseline for purposes of CEQA analysis. Marina Coast should discuss the actual land use intensity (residential units, jobs, water use), which is the actual baseline. For each asserted fact, Marina Coast should provide a specific citation (including page and section) to a reliable reference document.

The specific water allocations and the actual use within each water allocation should be presented in the environmental analysis.

The documents fail to address important issues, including:

- Who monitors the water allocation within the Ord Community areas.
- Who will monitor it after FORA sunsets.
- What accountability exists for water allocation compliance, and how that accountability has been exercised to date.
- The fact that the water allocation is based on theoretical use, not actual use, and the uncertainty related to that methodology.

In the discussion of the adopted "Development and Resource Management Plan" (p. 9), Marina Coast should cite to the specific page or policy that "ensures" that

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reuse of the former Fort Ord is "restrained" to available resources. It is unclear to what the discussion references.

The discussion of current conditions is not adequate. The discussion of the impacts of the project is not adequate. For example, the documents should state the current number of additional current and future customers that would be served by the annexation.

The documents should state the current amount of water provided to the existing service area, and the amounts of water that would be expected to be provided to the expanded service area, both currently and in the future.

All facts asserted in the initial study should provide a citation to the document in which the asserted fact is found. All initial study references to facts arising from other documents should include the specific page and section of the cited document.

Keep Fort Ord Wild anticipates making additional comments in the future on this project. As the project works its way through the process, we anticipate commenting on more issues and in greater depth.

As shown by the comments by Keep Fort Ord Wild, LAFCO, and LandWatch, the project would cause significant unanalyzed and unmitigated environmental impacts. The project should not be approved. An EIR should be prepared. Thank you for consideration of these comments.

Request for Notification

With regard to this project and future iterations of Marina Coast's annexation of any part of the former Fort Ord, please place this Office on the notification list for all public notices, staff reports, agendas, hearing notices, and other information, including all notification under Public Resources Code section 21092.2. Thank you.

Very truly yours,

LAW OFFICES OF MICHAEL W. STAMP


Michael W. Stamp
Molly Erickson