

March 22, 2019

Via E-mail

Keith Van Der Maaten
General Manager
Marina Coast Water District
11 Reservation Road,
Marina, CA 93933-2099
KVanDerMaaten@mcwd.org

Re: Water and Sewer Services Agreements

Dear Keith:

Thank you for providing the “rough draft” Water and Sewer Services Agreements (WSSAs) with the Cities of Del Rey Oaks, Marina, Seaside, and Monterey. If there is one for the County of Monterey, please let us have a copy.

As I explained in my February 14, 2019 letter seeking these draft agreements, LandWatch has had a continuing concern that MCWD not commit itself to provide any additional groundwater to serve new development without first completing an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA). CEQA requires that environmental review occur *before* an agency commits itself to a course of action with foreseeable impacts to the environment. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116; *RiverWatch v. Olivenhain Municipal Water District* (2009) 170 Cal.App. 4th 1186.)

As currently drafted, the WSSAs constitute a commitment to serve water and a commitment to action with foreseeable physical impacts on the environment. Thus, before entering into the agreements as drafted, MCWD and the land use agencies should prepare an EIR. Alternatively, the agencies could revise to WSSAs so that they do not constitute a commitment to serve water or take action with foreseeable physical impacts. Please let me know how MCWD intends to proceed.

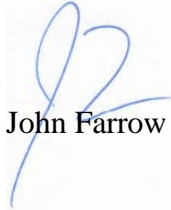
March 22, 2019

Page 2

And please also provide LandWatch with advance notification for all actions regarding the WSSAs, as well as notification under Public Resources Code section 21092.2. Thank you.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



John Farrow

JHF:hs

Cc:

County of Monterey Board of Supervisors and Chief Administrative Officer

City of Seaside City Council and City Manager

City of Marina City Council and City Manager

City of Monterey City Council and City Manager

City of Del Rey Oaks City Council and City Manager

California State University at Monterey Bay, Office of the President