



March 27, 2017

California Public Utilities Commission
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SUBJECT: DRAFT EIR/EIS FOR THE MONTEREY PENINSULA WATER SUPPLY PROJECT

Dear Staff:

LandWatch Monterey County has reviewed the draft EIR/EIS for the Monterey Peninsula Water Supply Project (MPWSP) and seven (7) alternatives. The MPWSP includes a 9.6 millions gallons/day (mgd) desalination plant combined with Aquifer Storage and Recovery (ASR), PureWater Monterey County and transmission infrastructure. An alternative, which includes a 6.4 mgd desalination plant combined with ASR and the PureWater Monterey County Project (Alternative 5a), was determined to be the environmentally superior project. We have the following specific comments:

1. The DEIR states, "In that the quantity of such fresh water component of the supply water is not currently known, the modeling and the EIR/EIS analysis assess a range of return water between 0 and 12 percent of the source water." (DEIR p. 2-35) Please explain the source of these percentages and why they were selected for analysis. Please also explain how the upper limit of 12% was determined.
2. Table 5.2 (Appendix E2) includes data regarding the amount of return water required for various scenarios. Under a 12% scenario for the CEMEX site for the years 2012 and 2073, total return water is 2,085 acre-feet/year (af/yr). Table 2-4 (DEIR p. 2-18) identifies produced water in excess of demand of between 1,936 af/yr and 2,636 af/yr. Under a 12% scenario for the Potrero Road site for the years 2012 and 2073, total return water is identified as 3,242 af/yr. Thus, under various scenarios, there would be insufficient water to meet demand. Please explain how the MPWSP meets project demand under these conditions.
3. The DEIR states, "The Management Plan indicates that the population of CalAm's entire Monterey District was 99,396 in 2010 and that the combined population of the main system and the Bishop, Hidden Hills, and Ryan Ranch satellite distribution systems, which would also be served by the proposed project, was 95,972." (DEIR p. 2-15) Please explain why the combined population of 95,972 is less than the population of CalAm's entire district.
4. The DEIR states, "The CPUC is not the arbiter of whether CalAm possesses water rights for the project and nothing in this EIR/EIS should be construed as the CPUC's opinion regarding such

rights, except to the extent that the CPUC must determine whether there is a sufficient degree of likelihood that CalAm will possess rights to the water that would supply the desalination plant such that the proposed project can be deemed to be feasible.” (DEIR p. 2-30) Please identify the criteria the CPUC will use to determine if the project is feasible. Since the question of whether or not CalAm has water rights will only be resolved until after project approval, please address how water rights will be considered under the criteria.

5. The DEIR identifies project greenhouse gas emissions (GHG) emissions total 8,370 metric tons per year as a significant and unavoidable impact (DEIR Table 4.11-5). Preparation of a GHG Emission Reduction Plan is the proposed mitigation measure.

The deferral of the formulation of that plan, which is not known to be feasible, is not permissible. *Communities for a Better Environment v. City of Richmond* (“*CBE v. Richmond*”) (2010) 184 Cal.App.4th 70, 94; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.

Deferral is also precluded because no performance specification is provided. The requirement that the Plan be “state-of-the-art” is not a meaningful performance specification because it fails to provide objective criteria for success. *CBE v. Richmond, supra*, 184 Cal.App.4th at 95.

Regarding the purchase of cap and trade offsets, the DEIR concludes,

The fossil fuel power plants that would generate the electricity that would be used by the project are already subject to and participate in CARB’s cap-and-trade program. For these reasons, it does not make practical sense to recommend mitigation to offset emissions associated with PG&E’s power portfolio because those emissions have already been regulated pursuant to cap-and-trade legislation and are therefore considered to be consistent with CARB’s current strategy for reducing GHG emissions consistent with the State’s GHG reduction goals. As a result, this EIR/EIS focuses on mitigation strategies that are aimed at reducing the project’s consumption of electricity from PG&E’s electrical power grid. (DEIR P. 4.11-19)

The DEIR’s stated threshold of significance is 2,000 tons of CO₂e. As long as emissions have not been mitigated below that significance threshold, the impact remains significant. Accordingly, the project must implement all feasible mitigation because CEQA bars project approval “if there are feasible alternatives . . . or mitigation measures available” that would substantially lessen the project’s significant environmental effects. P.R.C., § 21002; Guidelines, § 15021(a).

There is no basis for the DEIR’s claim that mitigation via offsets is not “practical.” A business may buy GHG emission allowances under the cap-and-trade system from other entities that have reduced emissions below the amount of allowances held.

The EIR should be revised to propose additional mitigation, including purchase of GHG emission offsets under the cap and trade program or under some other arrangement for purchase of offsets.

6. Since the proposed project and environmentally superior project would generate surplus water (DEIR Table 2-4), a smaller, less energy-demanding desalination plant should be feasible. The EIR should be revised to propose and evaluate a smaller scale alternative that reduces significant and unavoidable climate change impacts.
7. Chapter 6’s analysis of growth inducement resulting from the proposed project finds that the allocation of the hospitality industry bounce-back is 200 af/yr over-estimated (DEIR p. 6-16). It

further finds that there are no sufficient data to support the estimate of 1,180 af/yr for lots of record (DEIR 6-17). The EIR should be revised to propose and evaluate a smaller scale alternative that reduces output by at least the amount of the over-estimated bounce-back as well as the amount of surplus water discussed in comment 6 above because a smaller scale alternative would reduce significant and unavoidable impacts such as climate change impacts.

8. The DEIR also concludes that once the water is allocated to local jurisdictions by the MPWMD, it could be used for any land uses including the 325 af/yr for the Pebble Beach Entitlement and the 500 af/yr for the hospitality industry. (DEIR 6-17) The finding that the 2005 af/yr could be used for any purpose, just not those identified above, is inconsistent with the following project objectives of the MPWSP:

Provide sufficient water supplies to serve existing vacant legal lots of record; and accommodate tourism demand under recovered economic conditions.

This finding identifies a major flaw in the project and undermines its credibility given the overwhelming support for water for legal lots of record. Without a limitation on the use of 1,810 af/y for legal lots of record, the same issue in future applications will emerge if water for legal lots is allocated to other land uses and the need for legal lots remains unmet.

Instead of estimating the growth potential associated with 2005 af/yr beyond existing demand, the analysis is based on the assumption that the water for growth is addressed in adopted general plans and their environmental documents. The DEIR provides an extensive list of significant impacts identified in various general plans and concludes that the growth would be significant and unavoidable. The most recently adopted general plans by local jurisdictions within the boundary of the MPWMD is 2010. All others were adopted between 1994 and 2005. Any conclusions regarding the significance of impacts is underestimated because base-line conditions have changed dramatically during the past 20 plus years, e.g., traffic, green house gas emissions, visual degradation, scenic and biological resources, etc.

Based on an assumption of 0.25 af/yr per dwelling unit, a total of 8,020 dwelling units could be constructed within the MPWMD. The impacts of over 8,000 dwelling units would be staggering, e.g., at 9.5 trips per unit, a total of 76,190 trips would be added to an already over-burdened transportation system. While this represents a worst-case scenario, it identifies a potential outcome that was unintended by those who have supported the proposed project.

The DEIR should be revised to include a mitigation measure limiting the use of water in excess of current demand to the actual future demand for lots of records, hospitality bounce-back and the Pebble Beach entitlement to those uses.

If the CPUC determines that such mitigation is not legally feasible, the EIR should be revised to identify a potentially significant impact if surplus water is used for purposes other than lots of records, hospitality bounce-back and the Pebble Beach entitlement. This determination should be coupled with a finding under CEQA Guidelines § 15091(a)(2) that the required mitigation in the form of water allocation priorities is “within the responsibility and jurisdiction of another public agency” and that “such changes have been adopted by such other agency or can and should be adopted by such other agency.” In this case, those other agencies may include local land use control jurisdictions and the MPWMP.

9. The DEIR states:

2.6.4 Effect of Annexation Agreement

In 1996, the MCWRA, the MCWD, the City of Marina, the owners of Armstrong Ranch and then owners of the CEMEX property (RMC Lonestar) entered into an *Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands* (“Annexation Agreement”).³⁷ The agreement established a framework for management of groundwater from the Basin and included terms and conditions for the annexation of lands (including the Armstrong Ranch and CEMEX properties) to MCWRA’s benefit assessment zones as a financing mechanism to fund groundwater resource protection and reduction of seawater intrusion (MCWD, et al. 1996).

Under the Annexation Agreement, MCWD’s authority to withdraw potable groundwater from the Basin would be limited to 3,020 afy year until such time as a plan for development of a long-term potable water supply capable of mitigating seawater intrusion was developed and implemented. If and when the Armstrong Ranch property were annexed to MCWD’s benefit assessment zones, non-agricultural use of Basin groundwater withdrawn from that property would be capped at 920 afy. If and when the CEMEX property was annexed to MCWD’s benefit assessment zones, withdrawal of groundwater from that property would be capped at 500 afy.” (DEIR, p. 2-41, emphasis added.)

The 1996 Annexation Agreement states:

7.2 Quantity Limitations. Commencing on the effective date of this Agreement and Framework, Lonestar shall limit withdrawal and use of groundwater from the Basin to Lonestar’s historical use of 500 afy of groundwater. (Annexation Agreement attached, emphasis added).

The DEIR’s statement that the 500 afy limitation is contingent on annexation is inconsistent with the statement in the Annexation Agreement that the limitation occurs on the effective date of the agreement.

10. In developing thresholds of significance for groundwater impacts, the DEIR purports to take cognizance of the forms of potential injury identified by the SWRCB 2913 opinion on water rights and groundwater harms. (DEIR, 4.4-52.) However, the DEIR’s identified thresholds of significance do not include “a reduction in groundwater elevations that requires users to expend additional pumping energy to extract water from the Basin” as specified by the SWRCB opinion (DEIR, p. 4.4-52 (listing SWRCB’s “foreseeable injuries”).) Instead, in defining and applying significance thresholds, the DEIR only considers reductions in groundwater elevations to be a significant impact if that reduction leads to physical damage from exposed screens of wells or reduced well yields. (DEIR, p. 4.4-41 (thresholds of significance), p. 4.4-68 (project-specific impact conclusion), p. 4.4-90 (cumulative impact conclusion).) The EIR should be revised to assess whether the acknowledged permanent reduction in groundwater elevations would require users to expend any additional pumping energy. If so, the EIR must specify and apply a threshold of significance for increased pumping energy use as well as a threshold for what constitutes a considerable contribution for increased pumping energy use in the cumulative context, as discussed below.

Furthermore, the DEIR does not define what constitutes a significant reduction in well yields due to lower groundwater levels, even though the DEIR implies that some level of reduced yield would be a significant impact. The EIR should be revised to specify and apply a threshold of significance for reduction in well yields as well as a threshold for what constitutes a considerable contribution to reduced well yields in the cumulative context, as discussed below

11. Cumulative analysis must consider all sources of “related impacts,” including those past, present, and potential future projects. Guidelines, § 15130(a)(1), (b); *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 394 (omission of foreseeable future sources is error); *Environmental Protection Information Center v. California Dept. of Forestry and Fire Protection (“EPIC”)* (2008) 44 Cal.4th 459, 525 (omission of relevant past sources is error). Thus, CEQA requires an agency to identify cumulative sources either by listing the projects or by providing “a summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect.” Guidelines, § 15130(b)(1)(A), (B).

The DEIR provides a list of future projects that it uses for cumulative analysis of various resource area impacts. (DEIR, pp. 4.1-15 to 4.1-24.) This list includes numerous future water-using projects that would contribute to impacts groundwater resources, such as development of residential and commercial land uses in the Salinas Valley Groundwater Basin (“SVGB”). Many of the future water-using projects are located within the western half of the Pressure Area, which is the geographic scope identified as the area of cumulative effect for the cumulative water supply analysis. (DEIR, p. 4.4-87 to 4.4-88.) Many other projects are outside of the Western half of the Pressure Area, but would still contribute to that cumulative effect. For example, pumping in the Eastside Area is known to contribute to the depletion of the Pressure Area and to seawater intrusion.

The DEIR’s analysis of cumulative groundwater resource impacts purports to use the “list of projects” approach to identifying future projects that affect the groundwater resources rather than the “summary of projections” method. (DEIR, p. 4.4-88.) However, the DEIR includes in that list of projects only three projects, all of which are water supply or groundwater management projects: RUWAP, SVWP Phase II, and the Interlake Tunnel. Omission of future water-using projects within the geographic scope of the cumulative analysis is an error. The thresholds of significance and analysis are based on effects such as aquifer depletion and seawater intrusion, and these effects are clearly determined by total groundwater demand from all sources.

The groundwater analysis in DEIR Appendix E-2 contains a future impact scenario for the year 2073, but the only variable that was apparently changed in that scenario is the sea level assumption. There is no indication in the EIR that the 2073 scenario incorporates a revised groundwater demand projection for the 2073 scenario. If the analysis did incorporate any revision to demand assumptions, it should be made clear how it was derived and what projects were included from the list of projects in the DEIR’s Table 4.1-2.

The EIR should be revised and recirculated to either 1) explain and provide any revision to future demand assumptions used in the cumulative analysis, or 2) provide a cumulative impact analysis that includes the effect of future water demand within the SVGB that contributes to the cumulative effects of aquifer depletion and seawater intrusion.

Furthermore, it is inappropriate to treat water management and water supply projects that are intended to mitigate existing impacts to the aquifer as projects that cause related impacts because the kind of impacts that matter in cumulative analysis are adverse impacts. Indeed, the DEIR's discussion of the significance of cumulative impacts appears to rely on the expected additional benefits of these projects. Since these proposed future projects are neither certain nor identified as enforceable conditions of this project's approval, their beneficial effects should not be assumed in evaluating cumulative significance. Mitigation must be enforceable. Guidelines, § 15126.4(a)(2).

12. An agency may not arbitrarily limit the geographic scope of cumulative analysis or omit relevant projects. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721-724 (error to confine cumulative air quality analysis to County where evidence showed impacts were caused by basin-wide sources); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213-1214 (ignoring other impact sources was "overarching legal flaw"). Thus, an agency must "define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." Guidelines, § 15130(b)(3), emphasis added; *Citizens to Preserve the Ojai v. County of Ventura* (1985) 126 Cal.App.3d 421, 126 Cal.App.3d at 430 (failure to explain limited scope of cumulative analysis is error).

The DEIR limits the geographic scope of analysis to the western half of the Pressure Area. (DEIR, p. 4.4-87.) The EUIR must be revised to explain the basis of that geographic limitation.

Again, note that CEQA distinguishes the geographic scope of the "area affected by the cumulative effect" and the identification of the "conditions contributing to the cumulative effect." Guidelines, § Guidelines, § 15130(b)(1)(A), (B). Thus, even if the geographic scope of the area affected by the project were limited to the western half of the Pressure Area, groundwater pumping in other areas that also contributes to the cumulative effect should be identified in the "list of projects" or "summary of projections."

13. The DEIR states that in evaluating cumulative impacts, where its analysis finds that the cumulative impacts of past, present, and future projects would be significant and adverse, the DEIR then determines whether the project's contribution would be considerable. (DEIR, p. 4.1-13.) This approach would be consistent with CEQA's requirement for a two-step process that requires an agency to make the following determinations: (1) whether the impacts of the project in combination with those from other projects are cumulatively significant, and (2) if so, whether the project's own effect is a considerable contribution. Guidelines, § 15130(a); see Kostka and Zischke, *Practice Under the California Environmental Quality Act* (2nd Ed., 2011 Update), §§ 13.39. 15.52. However, as explained below, both the step-one and step-two determinations should be made explicitly, because an agency must first determine the severity of the cumulative impact in order to determine whether the project contribution is "considerable."

Cumulative analysis must recognize that "considerable contribution" threshold may be an "individually minor" impact where the resource is severely degraded. In particular, an EIR may not conclude a cumulative impact is insignificant merely because the project's individual contribution to an unacceptable existing condition is, by itself, relatively small. *Los Angeles Unified School Dist. v. City of Los Angeles* ("LAUSD") (1997) 58 Cal.App.4th 1019, 1025-1026 (rejecting EIR's reasoning that individually minor noise increments would necessarily be cumulatively insignificant); *Communities for a Better Environment v. California Resources Agency* ("CBE v. CRA") (2002) 103 Cal.App.4th 98, 117-118, 121 (invalidating CEQA

Guidelines provision that de minimis impacts are necessarily less than considerable). Thus, the proper threshold for the step two determination whether a project's contribution to an existing significant impact is considerable must reflect the severity of the cumulative problem: "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." *CBE v. CRA, supra*, 103 Cal.App.4th at 120. *see also* Guidelines, §§ 15355(b), 15065(a)(3); LAUSD, *supra*, 58 Cal.App.4th at 1024-25.

The DEIR identifies three potential cumulative impacts: substantial depletion or interference with groundwater supplies, violation of groundwater standards, and degradation of water quality standards. (DEIR, p. 4.4-88). However, the DEIR fails to clarify whether each of these three potential cumulative impacts to groundwater resources are significant. That is, for each of these potential cumulative impacts, there is no "step-one" determination as to whether there is a significant cumulative impact from all projects taken together, and, if so, how severe that impact is. Without that determination, there is no basis to conclude that this project's contribution is less than considerable. As explained, determining the threshold for "considerable contribution" requires assessment of the severity of the cumulative impact. *CBE v. CRA, supra*, 103 Cal.App.4th at 120.

The EIR should be revised to provide an assessment as to whether all existing and future projects result in a significant cumulative impact by causing substantial depletion or interference with groundwater supplies, violation of groundwater standards, or degradation of water quality standards. If so, the EIR should identify the severity of that impact and the threshold for determining whether an additional project would make a "considerable contribution."

The EIR's discussions of "direct and indirect effects," e.g. the project-specific analyses in Impact 4.4-3 and 4.4-4, use a threshold of significance that represents the level of effect that would be considered significant if caused by the project by itself. However, even if these project-specific impacts are not by themselves significant, they may nonetheless constitute a considerable contribution to significant cumulative impacts.

The failure to consider cumulative depletion or interference with groundwater supplies is particularly problematic. As discussed below, without the return water provisions, the project would make a considerable contribution to an existing significant cumulative impact, i.e., the aquifer depletion and declining groundwater levels in the Pressure Subarea. The EIR should acknowledge that the return water provisions are essential mitigation for this contribution.

In particular, the EIR concludes that the change in available water supply in the SVGB caused by the project itself is less than significant in part because the area of influence, measured by the zone suffering a one-foot drawdown, extend only about 4 miles without the mitigating effects of the return water provision. (DEIR, p. 4.4-47 to 4.4-59.) This conclusion is in the discussion of "direct and indirect effects," i.e., the project-specific impacts. However, the EIR fails to consider whether a drawdown of less than one foot may nonetheless be a considerable contribution to a significant cumulative impact, particularly in the context of declining groundwater levels due to all cumulative projects.

Clearly, there is a significant cumulative impact in the form of declining groundwater levels and aquifer depletion in the Pressure Subarea.¹ The Pressure Subarea is one of the eight subbasins

¹ Brown And Caldwell, State of the Salinas River Groundwater Basin, January, 2015, available at http://www.mcwra.co.monterey.ca.us/hydrogeologic_reports/documents/State_of_the_SRGBasin_Jan16_2015.pdf.

making up the Salinas Valley Groundwater Basin (SVGB).² Overdraft in the Pressure Subarea has averaged about 2,000 acre-feet per year (“afy”) from 1944 to 2014, and the Basin as a whole is “currently out of hydrologic balance by approximately 17,000 to 24,000 afy.”³ Pumping from the Basin has exceeded recharge since the 1930s, causing seawater intrusion as inland groundwater elevations dropped below sea level, permitting the hydraulically connected seawater to flow inland.⁴

The California Department of Water Resources (DWR) is required by the Sustainable Groundwater Management Act to designate as “critically overdrafted” basins those groundwater basins for which “continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts.”⁵ DWR identified the 180/400-Foot Aquifer of the Salinas Valley Groundwater Basin as critically overdrafted in January 2016.⁶

The DEIR acknowledges that a “net deficit in aquifer volume” would be a significant impact. (DEIR 4.4-41.) Accordingly, the current groundwater pumping from all cumulative projects is clearly causing a significant cumulative impact in the form of aquifer depletion leading to a net deficit, i.e., the serious and continuing overdraft conditions identified by DWR and the MCWRA reports. The DEIR also acknowledges that declining groundwater levels are a significant impact, at least if they lead to well yield reductions or exposed screens and pumps. (DEIR, p. 4.4-41).

Again, the current groundwater pumping from all cumulative projects is clearly causing a significant cumulative impact in the form of declining groundwater levels in the Pressure Area.⁷ The project will make some contribution to the net deficit in aquifer volume and declining groundwater levels because it will change the balance of flows and remove water from the aquifer so as to cause a permanent depression in groundwater elevations. The DEIR acknowledges that the project, without provision of return water, would cause a drawdown of 1 foot in areas that are 4 miles inland. It would also cause drawdowns of some lesser magnitude in areas farther than 4 miles. These impacts would be mitigated by provision of return water. The EIR should be revised

² MCWRA, Protective Elevations to Control Seawater Intrusion in the Salinas Valley (“Protective Elevations”), 2013, p. 2, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_II/documents/ProtectiveElevationsTechnicalMemorandum.pdf; Brown and Caldwell, State of the Salinas River Groundwater Basin, 2015, Section 3.

³ Brown And Caldwell, State of the Salinas River Groundwater Basin, January, 2015, pp. 6-3, available at http://www.mcwra.co.monterey.ca.us/hydrogeologic_reports/documents/State_of_the_SRGBasin_Jan16_2015.pdf.

⁴ MCWRA, Protective Elevations, pp. 4—5; Brown and Caldwell, State of the Basin, pp. 2-4, 5-2; MCWRA, Salinas Valley Water Project Draft EIR (“SVWP DEIR”), 2001, pp. 1-2 to 1-8, available at http://www.mcwra.co.monterey.ca.us/salinas_valley_water_project_I/documents/DEIR_EIS_2001/2001%20SVWP_DEIR_2001.pdf.

⁵ DWR, Critically Overdrafted Basins, available at <http://www.water.ca.gov/groundwater/sgm/cod.cfm>.

⁶ DWR, Critically Overdrafted Basins (1/2016), available at http://www.water.ca.gov/groundwater/sgm/pdfs/COD_BasinsTable.pdf.

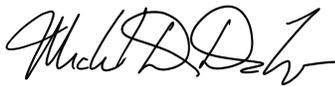
⁷ As discussed above, the DEIR only considers falling groundwater levels to be a significant impact if it results in physical damage due to exposed screens or pumps or reduced well yields. It fails to consider increased energy costs from higher lifts as a significant impact even though identified in the SWRCB 2013 opinion. Nor does it actually define what constitutes a significant reduction in well yields due to lower groundwater levels, even though the DEIR implies that some level of reduced yield would be a significant impact.

to identify this as a considerable contribution to a significant cumulative impact and to identify the return water provisions as essential mitigation.

Furthermore, the DEIR dismisses the impact of aquifer depletion based on the argument that that the zone of the 1-foot drawdown does not extend beyond the 500 mg/L seawater intrusion boundary. Although the magnitude of drawdown attenuates with distance, the EIR fails to evaluate drawdown effects of less than one foot. Thus, the DEIR provides no evidence that a drawdown effect of at least some magnitude would not occur in inland areas south of the seawater intrusion boundary that do enjoy potable water quality. Even if the drawdown in areas of potable water were less than the DEIR's arbitrarily selected one-foot drawdown threshold for significant project-specific impacts, the drawdown may nonetheless be a considerable contribution to the significant cumulative impact of aquifer depletion and declining groundwater levels. The DEIR simply fails to consider this.

14. The DEIR's rationale to dismiss the impact of aquifer depletion, that the zone of the 1-foot drawdown does not extend beyond the 500 mg/L seawater intrusion boundary and so does not affect potable water use, is not supportable for another reason. The DEIR admits that there are at least two sources of competing demand for the non-potable or brackish water in the project: existing wells are used for non-potable purposes ("minor irrigation and dust control") and foreseeable future source wells for the MCWD desalination facility would also draw brackish water. (DEIR, p. 4.4-90). Because there are existing and foreseeable uses for non-potable water drawn by the project, the depletion of this supply cannot be dismissed out of hand as less than significant.

Sincerely,



Michael DeLapa
Executive Director