

Salinas Valley Water Coalition



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Monterey County Board of Supervisors
Supervisor Dave Potter, Chair
240 Church Street
Salinas, Ca 93901

15 July, 2002

Dear Chair Potter and Members of the Board;

The Salinas Valley Water Coalition (SVWC) is a non-profit organization whose members have supported, and continues to support, the Monterey County in its pursuit of long-term balance of the supply and demand of water in the Salinas River basin and its effort to halt seawater intrusion. SVWC and its members have actively participated in the various General Plan Update processes with a particular focus on the 'water' issues to ensure a General Plan is developed that does not adversely affect the water needs, availability and/or rights of [our members]. **The Draft General Plan could change all of the progress made over the last 5 years. It could totally derail the existing work toward a solution and instead move the County and all landowners into a water rights adjudication.**

The recommendations before you do not address some of the critical water issues. As an example, neither the Planning Commission's or staff's recommendations address the following, what we believe to be key water policies contained in the Draft General Plan:

- ◆ Environmental Resource Management Policy ER-5.2 states:

"The County shall manage the operation of water storage dams and retention facilities to provide adequate water flow within streams and rivers with the goal of maintaining the viability of native fish and amphibian species habitat."

This policy provides no consideration of **maintaining the viability of our \$2 billion agricultural industry!** Nor is there any consideration of **maintaining the viability of our drinking water!** And last, but certainly not least, there is no consideration of maintaining or protecting the water rights of the landowners. The two Salinas Valley reservoirs are operated in such a way as to address the water recharge, flood control and recreation needs throughout the Salinas Valley Groundwater Basin, including halting seawater intrusion. This Draft General Plan is inconsistent with the current operation of the reservoirs and with the water right permits issued by the State Water Resources Control Board for the reservoirs, and the Plan clearly places the viability of fish and amphibian species over people – this is NOT good policy or good resources management, and it **will** serve to revitalize the 'water wars'.

This is a key example of how the Draft General Plan places the environment over people. Rather than develop policies that will manage and protect **both**, the plan pits one against the other. The end result is devastating to our community. While the Planning Commissioners expended a tremendous amount of time listening to and reviewing comments on the Draft General Plan, and then discussing and preparing their recommendations, their recommendation to you do not go far enough. There are many key policy issues that were not addressed by the Commissioners, and ones that we believe are critical to the well being of the County. Attached are our detailed comments on these policy issues.

We believe public participation is critical to your decision-making, and to the production of a final document that truly represents the varying interests within the County. This will be our Plan. The Salinas Valley Water Coalition joins other individuals and organization to ask the Board of Supervisors to establish a broad-based Citizens' Advisory Committee whose purpose would be to review the recommendations that have been made by various groups, individuals, the Planning Commissioners and staff, with the objective to provide goal and policy recommendations to your Board for adoption in the Monterey County 21st Century General Plan.

It is critical that these interests are considered in the selection and evaluation of options and alternatives to the Draft General Plan. Only through such a process can this General Plan become one that we all can support. This General Plan must be acceptable to the people of Monterey County.

Thank you,

Ralph Riva, Chair

Specific Goal and Policy Comments:¹

1. Under proposed Policy PS-3.1, the County would “allocate water usage and manage water resources.” Proposed Policy PS-3.3 would establish similar allocation requirements. This proposed new layer of regulation is not needed in the Salinas Valley, because (as recognized in the draft EIR) the Salinas Valley Water Project is designed to address the water-resources problems in the Salinas Valley. The danger is that this proposed new General Plan policy could turn the clock back 10 years and unnecessarily re-ignite old North-South disputes, and lead the Valley into a water-rights adjudication. County regulation of groundwater extractions through proposed allocation of water usage would improperly infringe upon landowners’ property and water rights. This policy should be deleted.
2. Proposed Policy PS-3.2 would require all wells in overdrafted areas to be metered and the meter records furnished to the County. There is no discussion of what areas are currently in overdraft. Requiring metering of ‘all’ wells will re-ignite the controversy from several years ago regarding the Monterey County Water Resources Agency’s meter requirements, which were overturned in a CEQA lawsuit. The Draft EIR for the draft GPU did not address the environmental impacts of metering – the same defect that led to overturning the previous meter ordinance. Most important, because the draft EIR recognized that the groundwater problem in the Salinas Valley is a distribution problem, not a supply problem, there is no reason (or basis) to require meters there. This policy should be deleted.
3. Policy PS-3.12 requires environmental review for the construction of all private wells. The Planning Commissioners are recommending that this policy only pertain to “new wells for residential uses”. However, it is not clear if they mean all new residential uses including a single-family dwelling or if their intent is to apply this policy to residential development except for a single family dwelling. The burden of the CEQA process on an individual single family dwelling is significant. The policy should be revised to develop criteria and standards by which the CEQA process would apply to single family dwellings – i.e. in areas where there is the likelihood to create significant environmental impacts. The Commissioners also specifically recommend that this policy not apply to agricultural wells or replacement wells. We support this recommendation.
4. Proposed Policy PS-3.17 would require applicants to prove to the County that they have water rights for the proposed development project. It is likely that “development projects” would be construed to include all new and replacement wells. This would in turn require the landowner seeking a new or replacement well first to obtain an expensive chain-of-title guarantee from a title company and a formal water-rights opinion from a lawyer specializing in water rights. We don’t believe the County has the authority to determine if lands have valid water rights or not. This policy is similar to one implemented by the Monterey Peninsula Water Management District who now wants to make the distinction between ‘superior water right holders’ and ‘junior water right holders’ --- this type of ‘management’ by the County is outside their authority and jurisdiction and certainly could lead to a County-wide water rights adjudication. This is not good policy or a good way to conduct the business of the County. This policy should be deleted.

¹ Please note that although proposed Goal PS-3 is titled “Domestic Water”, most of the proposed policies under this goal are not limited to domestic water.