

# **Monterey County**

*Monterey County Government Center  
Board Chamber  
168 W. Alisal St.  
Salinas, CA 93901*



## **Action Minutes - Draft**

**Monday, January 29, 2018**

**12:00 PM**

**Special Meeting**

### **Water Resources Agency Board of Directors**

*Chair, Mark Gonzalez  
Vice-Chair, Deidre Sullivan  
Glen Dupree  
Ken Ekelund  
Claude Hoover  
Richard Ortiz  
Mike Scattini  
Mike LeBarre  
Vacancy*

Call to Order

**The meeting was called to order at 12:23 p.m.**

**Present** 6 - Director Richard Ortiz, Director Ken Ekelund, Director Mark Gonzalez,  
Director Claude Hoover, Director Mike LeBarre, and Glen Dupree

**Absent** 2 - Director Mike Scattini, and Deidre Sullivan

**Public Comments on Closed Session Items**

**There were no public comments on closed session items.**

**1.**

Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code Section 54956.9 the Board will confer with Legal Counsel regarding two matters of anticipated litigation:

1. Claim of Dobler & Sons, LLC
2. Claim of JAL Berry Farms, LLC.

b. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

Salinas Valley Water Coalition v. Monterey County Water Resources Agency, Board of Supervisors of Monterey County, et al. (Monterey County Superior Court case no. 17CV000157)

c. Pursuant to Government Code Section 54956.8, the Board of Directors will confer regarding real property negotiations:

Property: 72350 New Pleyto Road, Bradley, CA 93426;

APN-424-061-018-000

Agency Negotiators: David E Chardavoyne, Jesse J. Avila and Shaunna Murray

Negotiating Party: SAC Wireless, LLC on behalf of Verizon

Under Negotiation: Terms and price

*Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.*

**Recess to Closed Session**

**Reconvene Meeting**

**The meeting reconvened at 1:00 p.m. County Counsel stated there were no**

reportable actions taken in Closed Session. Because Director LeBarre recused himself from Item a(1): Claim of Dobler & Sons, LLC., there was no meeting on this item as there was no quorum.

### **Pledge of Allegiance**

### **Election of Officers**

The Ad-Hoc Nominee Committee recommended that Mark Gonzalez be re-elected Chair and Deidre Sullivan re-elected as Vice-Chair of the Board of Directors for the year 2018. Upon Motion by Director LeBarre and Second by Director Ortiz the Directors unanimously accepted the recommendation and elected Marck Gonzalez as Chair and Deidre Sullivan as Vice-Chair for the year 2018.

**Ayes:** Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre

**Noes:** None

**Absent:** Directors Scattini and Sullivan

2. Selection of Chair and Vice-Chair for 2018

### **Public Comment**

None

### **Consent Calendar**

Upon Motion by Director Dupree and Second by Director Ortiz, the Board unanimously approved the Consent Calendar.

**Ayes:** Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre

**Noes:** None

**Absent:** Directors Scattini and Sullivan

3. Approve the Action Minutes of November 20, 2017

### **Scheduled Matters**

4. Consider approving Amendment No. 2 to the Professional Services Agreement with Salinas Pump Company, in the amount of \$300,000 to provide well and pump maintenance, repair services and well logging services for the Castroville Seawater Intrusion Project (CSIP) through June 30, 2020; and authorize the General Manager to execute Amendment No.2

**Attachments:**    [Board Report](#)  
                              [Amendment No. 2](#)  
                              [Amendment No. 1](#)  
                              [Professional Services Agreement](#)  
                              [Board Order](#)

Upon Motion by Director LeBarre and Second by Director Ekelund the Board unanimously approved Amendment No. 2 to the Professional Services Agreement with Salinas Pump Company in the amount of \$300,000, to provide well and pump maintenance, repair services and well logging services for the Castroville Seawater Intrusion Project (CSIP) through June 30, 2020; and authorized the General Manager to execute Amendment No.2.

Ayes: Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre

Noes: None

Absent: Directors Scattini and Sullivan

5. Consider approving a Professional Services Agreement with The Don Chapin Co., Inc., in the amount of \$62,000 to improve the Salinas River Diversion Facility Access Road and Drainage Channel Maintenance; and, authorize the General Manager to execute the Agreement.

**Attachments:**     [Board Report](#)  
                              [Agreement](#)  
                              [Board Order](#)

Upom Motion by Director LeBarre and Second by Director Ortiz, the Board unanimously approved a Professional Services Agreement with The Don Chapin Co., Inc., in the amount of \$62,000 to improve the Salinas River Diversion Facility Access Road and Drainage Channel Maintenance; and, authorized the General Manager to execute the Agreement.

Ayes: Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre

Noes: None

Absent: Directors Scattini and Sullivan

6. Consider approving ~~Amendment No. 4 to the General Services Agreement with Industrial Machine Shop, Inc., in the amount of \$150,000 to provide repair, fabrication and machining services of components for facilities and projects owned and managed by Monterey County Water Resource Agency; and authorize the General Manager to execute the agreement.~~

7. Consider amending the Nacimiento Dam Operation Policy

**Attachments:**     [Board Report](#)  
                              [Draft Nacimiento Dam Operation Policy](#)  
                              [Comments](#)  
                              [Board Order](#)

The motion did not pass and the item will be presented again at the next Board of Directors Meeting.

Public Comment: Nancy Isakson, Pam Silkwood, Curtis Weeks, Steve McIntyre, Bill Lipe and Richard Boyer

IMs. Isakson and Ms. Silkwood requested that their presentation documents become a part of this record.



8. Consider approving and recommending that the Monterey County Water Resources Agency Board of Supervisors:
- Approve Amendment No. 1 to the Professional Services Agreement with Raftelis Financial Consultants Inc. for an extension of time to June 30, 2018; and
  - Authorize the General Manager to execute the Amendment.

**Attachments:**     [Board Report](#)  
                              [Amendment No. 1](#)  
                              [Agreement for Services](#)  
                              [Board Order](#)

**Upon Motion by Director Dupree and Second by Director Ortiz the Board unanimously approved and recommended that the Monterey County Water Resources Agency Board of Supervisors approve Amendment No. 1 to the Professional Services Agreement with Raftelis Financial Consultants Inc. for an extension of time to June 30, 2018; and authorize the General Manager to execute the Amendment.**

**Ayes: Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre**

**Noes: None**

**Absent: Directors Scattini and Sullivan**

9. Consider receiving a report on Agency activities coordinated with the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA)

**Attachments:**     [Board Report](#)  
                              [Board Order](#)

**Upom Motion by Director Hoover and Second by Director Ortiz the Board unanimously received a report on Agency activities coordinated with the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA)**

**Ayes: Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre**

**Noes: None**

**Absent: Directors Scattini and Sullivan**

**Public Comment: Nancy Isakson, Bill Lipe**

**(9a)** Consider directing staff to engage in communications with National Marine Fisheries Services (NMFS) to develop a new classification of winter reservoir releases beneficial to the recharge of the Salinas Valley Groundwater Basin.

**Attachments:**     [Board Report](#)

**Upon Motion by Director Ekelund and Second by Director Ortiz the Board uanimously directed staff to engage in communications with National Marine Fisheries Services (NMFS) to develop a new classification of winter reservoir releases beneficial to the recharge of the Salinas Valley Groundwater Basin.**

**Ayes: Directors Gonzalez, Dupree, Ekelund, Hoover, Ortiz and LeBarre**

**Noes: None**

**Public Comment: Nancy Isakson, Bill Lipe**

**Absent: Directors Scattini and Sullivan**

## **Key Information and Calendar of Events**

### **General Manager's Report**

Cathy Paladini presented the General Manager's Report on behalf of David Chardavoyne.

### **Committee Reports**

Ken Ekelund reported out from the Planning Committee regarding the General Manager's Goals for the 2018.  
No other reports were presented.

### **Information Items**

10.

Information Items:

1. Well Permit Application Activities
2. Reservoir Release Update
3. Development Services Report
4. First Quarter WY 2017-18 SV Water Conditions Report

**Attachments:**    [Well Permit Applications Update](#)  
[Reservoir Release Update](#)  
[Development Services Report](#)  
[Quarterly Conditions Report](#)

### **Correspondence**

11.

Correspondence:

1. Letter dated January 22, 2018 from Norman C. Groot, Executive Director, Farm Bureau Monterey  
Re: Seawater Intrusion in Salinas Valley Groundwater Basin
2. Letter dated January 17, 2018 from Erik J. Malvick, Acting Chief, Design Engineering Branch, Division of Safety of Dams, Department of Water Resources  
Re: San Antonio Dam, No. 1008.002, Monterey County
3. Letter dated January 10, 2018 from Frank L. Blackett, P.E., Regional Engineer, Federal Energy Regulatory Commission, Office of Energy Projects  
Re: Sixth Independent Consultant's Safety Inspection Report for Nacimiento Dam (Comments have been redacted under FERC Order No. 630 and the Homeland Security Presidential Directive regarding critical infrastructure.)

4. Letter dated January 24, 2018 to John Paasch, Branch Chief, Department of Water Resources  
Re: Grant Application for Statewide Flood Emergency Response Program

Attachments:      [Correspondence](#)

### **Board of Directors Comments**

### **Adjournment**

The meeting adjourned at 3:30 p.m.

Monterey County Water Resources Agency Board of Directors Addenda for Monday January 29, 2018.

## **ADDENDA**

### **1. Addition to Scheduled Matters:**

9(a). Consider directing staff to engage in communications with National Marine Fisheries Services (NMFS) to develop a new classification of winter reservoir releases beneficial to the recharge of the Salinas Valley Groundwater Basin.

### **2. Addition to Correspondence:**

Letter dated January 24, 2018 to John Paasch, Branch Chief, Department of Water Resources  
Re: Grant Application for Statewide Flood Emergency Response Program

# Salinas Valley Water Coalition

33 El Camino Real • Greenfield, CA 93927  
(831) 674-3783 • FAX (831) 674-3835



Hand Delivered

Monterey County Water Resources Agency  
Board of Directors

29 January, 2018

Dear Board Members;

Seawater intrusion was first documented migrating into the Salinas River Groundwater Basin (Basin) by the Department of Water Resources in 1946. Since that time, generations of stakeholders have sought to eliminate the overdraft of the Basin. Over the past 70 + years many in depth and intense discussions over which project was best suited to stop the problem of seawater intrusion, who would benefit and who should pay the cost —the one common denominator throughout all of those discussions was assuring ourselves that the community and stakeholders here in the Salinas Valley would solve the problem. There was no desire at all for anyone outside of this Basin to be responsible for us.

In 1994 the State Water Resources Control Board formally informed all landowners with producing wells in the Salinas Valley that they were initiating an investigation of the Basin. The Notice stated that the SWRCB would be investigating groundwater production and use, and water management practices as they relate to the water quality problems of the Basin. Ed Anton, Chief of SWRCB Water Rights Division, threatened to "let the 800 pound gorilla" out of the closet and have the State take action, including pumping reductions, if the Salinas Valley community did not solve its water problems. **This was for all intents and purposes the Salinas Valley's 'cease and desist' notice**; it was notice that the Salinas Valley stakeholders needed to work together to solve their water problems.

In response to that, the SVWC along with other organizations, and their members, worked with the MCWRA and the community (ag and urban) to develop a water project that would stop seawater intrusion, balance the Salinas Valley groundwater basin, preserve fish passage on the Salinas River and continue to provide flood control – this was the development of the Salinas Valley Water Project (SVWP).

For over two decades since that time, the SVWC worked with, and supported, the Monterey County Water Resources Agency (MCWRA) in its pursuit of long-term basin balance of supply and demand and its effort to halt seawater intrusion. This support was based on the belief that the Agency was committed to developing and implementing a program that was cost-effective, reasonable, hydrologically sound and equitable to landowners in all areas of the Salinas Valley. To that end, the SVWC and others were leaders and active participants in working with MCWRA and the Community to obtain a successful Proposition 218 voter approval to construct and implement the Salinas Valley Water Project. This was based on trusting the Agency would build and operate the SVWP in order to provide the benefits

promised—and based on the belief and understanding that the SVWP would halt seawater intrusion, balance the basin by re-operating the reservoirs in a manner that would increase the amount of water available for recharge and diversion, and continue to provide flood control; we believed the Project would work.

So why isn't it working? Primarily because the manner in which the reservoirs have been operated since the construction of the SVWP and the lack of an updated Reservoir Operations Manual to implement the SVWP. We do believe this Board of Directors for the MCWRA has the ability to make a difference, to begin addressing some of the 'miss-steps' in implementation and operation, by ensuring that the Reservoir Operations Manual truly represents the SVWP as envisioned, voted upon and designed, and to ensure the ongoing operations will continue to implement the SVWP as approved. If the SVWP were being implemented and operated as approved, we believe the Basin can be balanced and seawater intrusion can be halted. As the decision-makers of the MCWRA, you must take that first step and assure the public that the project they voted for and have paid and continue to pay hard earned, vast sums of dollars, will be operated in a manner pursuant to the Project as approved.

I am attaching a copy of the SVWP Cost Allocation Committee letter which details the work completed by 20 individuals (ag and urban) over a period of almost 2 years. It was the commitment of these 20 individuals to work together, listen to the various opinions and differences, look at the science and law behind the SVWP, and develop a recommendation that they all could support. That in and of itself speaks volumes as to why the SVWP vote was so successful in that 85% of the landowners in the Basin said YES, let's build it. It also details the understanding of what benefits would be provided, and how they were to be provided.

There had been much discussion at the CAC meetings about whether to build the reservoir improvements separately and include the reoperation of the reservoirs as a separate project and vote from the 'surface water diversion facility' (aka the rubber dam) – but in the end, there was agreement that it should be one vote and all or none – the Valley was united and we wanted to resolve the water management issues for the entire Basin, not just one segment.

The CAC recommended strategy identified the following primary goals of the continued operation of the two existing reservoirs and the proposed SVWP as:

1. Conserve water within the basin to increase groundwater recharge;
2. Improve the long-term hydrologic balance between recharge and withdrawal;
3. Stop seawater intrusion;
4. Provide a sufficient water supply to meet water needs through the year 2030; and
5. Provide flood protection.

I encourage you to step back for some reflection, read the CAC letter, along with the comments and 'operations manual' submitted by the SVWC. As the final decision maker on this matter, you have the ability to ensure the successful implementation and operation of the SVWP and to provide the benefits promised to the landowners by this Agency. You have an opportunity to ensure a strong foundation of the Basin's water resources and management are clear – especially as we move forward with the Groundwater Sustainability Agency's to develop sustainability plans. We need to have a full understanding of the foundation upon

which we can build, what is working and what isn't working, before we can decide what needs to be done to further manage the Basin's water resources.

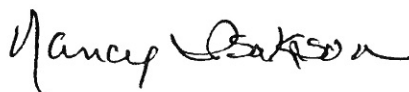
There were many years and lengthy discussions that led up to the successful vote for the SVWP and its anticipated implementation. Some say things changed over time and particularly with the Biological Opinion (BO). This is categorically false. The BO included the same elements and parameters of the original SVWP that the voters relied upon. It is your duty and responsibility as the decision-makers to ensure that the reservoirs are operated in a manner pursuant to the SVWP as approved. Once this foundation has been delineated and codified in an updated Reservoir Operations Manual, if modifications or changes to operations are needed, the ability to proceed with a separate process of looking at options and developing a new project accordingly is certainly within your purview.

The Reservoir Operations Manual should:

- **Document how the reservoirs will be operated to provide the benefits promised pursuant to the Prop. 218 vote;**
- **Provide for the capture and storage of excess flow only;**
- **Maintain a minimum of 60 cfs release from Nacimiento Reservoir at all times**
- **Operate reservoirs to provide benefits agreed to provide pursuant to Prop. 218 vote of the SVWP**
- **Provide for 'winter releases' during period of December 1 to May 31<sup>st</sup> of each year consistent with measures identified in SVWP EIR pg 5-6 60;**
- **Provide and detail a Rule Curve that provides for capture of full 29,000 afy of additional average annual water supply yield over pre-SVWP reservoir operations. [need to show how they are and/or will accomplish this];**
- **Hydroelectric plant: need to acknowledge that this is secondary and incidental to the operations of the reservoirs and the benefits to be provided pursuant to the SVWP**
- **Recreational benefits: need to acknowledge and recognize they are incidental to the operations of the reservoirs and the benefits to be provided pursuant to the SVWP [elevation 730 may be a goal, but it is not a requirement]**

By implementing a Reservoir Operations Manuals that includes the points above, you as policy and decision makers for the MCWRA have the opportunity to build trust and ensure the SVWP is operated correctly, providing the benefits promised to ratepayers and the community, including protection of fishery resources and water rights.

Thank you for consideration of our concerns,



Nancy Isakson, President



**Salinas Valley Water Project  
Cost Allocation Committee**

**RECOMMENDED STRATEGY**

**November 2002**



The following is a summary of the strategy that the Cost Allocation Committee (CAC) is recommending for a new assessment to fund the operation and maintenance of Nacimiento and San Antonio Reservoirs and the implementation of the Salinas Valley Water Project (SVWP). It is the intent of the CAC that recommendations outlined below serve as the basis for an Engineer's Report to be distributed for public review as part of the Proposition 218 Special Assessment election.

The Monterey County Water Resources Agency (MCWRA) has used the opportunity presented by the CAC process to perform a comprehensive review of its activities. In particular, the MCWRA is proposing to consolidate the present zones of benefit into a single zone that would fund operations of the reservoirs and the SVWP based on the proportional special benefits received, as is required by Proposition 218. The CAC supports this effort by the MCWRA.

To achieve its goal of a comprehensive overhaul of its assessment funding, the MCWRA relied upon the CAC to represent the many diverse interests within the County. The CAC members include representatives from all five sub-basin areas and consist of the agriculture community, development interests, and urban communities. All members of the CAC have actively participated in the discussions and have shaped the recommendations described in this report.

The recommended strategy reflects a consensus on the CAC about the most appropriate general method for the MCWRA to fund necessary activities. Some details remain to be worked out and will be described in the Engineer's Report. Not all members of the CAC agree with all elements of the proposed assessment methodology, but the members of the CAC all do agree with this general approach to funding the operation of the reservoirs and the SVWP.

It is MCWRA's intent that the existing water standby and availability charges for Zones 2 and 2A will cease upon approval of the proposed Zone 2C assessment. In the event that the proposed Zone 2C assessment is not approved, the existing Zone 2 and 2A water standby and availability charges will remain in effect.

We, the Cost Allocation Committee, recommend the assessment methodology summarized herein below and further recommend the MCWRA's use in the Engineer's Report.

Dan Anderson – Forebay	Steve Jensen East Side Alliance
Bob Antle – Pressure Area	Jim Manassero – East Side Alliance
Mike Armstrong – Urban Community	Bob Martin - Forebay
Chris Bunn – Pressure Area	Roger Moitoso – Upper Valley
Don Chapin, Jr. - North Monterey County	Arvid Myhre – Upper Valley
Carl Chase – North Monterey County	Greg O’Neal – Pressure Area
Jan Collins – Urban Community	Jim Perrine – Urban Community
Matt Gourley – Urban Community	Rich Smith – Arroyo Seco
Chris Indelicato – Upper Valley	Jim Smith – Urban Community
Nancy Isakson – Arroyo Seco	

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**Appendices**

Appendix A – Letter from Committee to MCWRA Board of Directors
Appendix B – Equivalent Acreage Calculation
Appendix C – Benefit Matrix
Appendix D – Draft Resolution
Appendix E – Capital Cost Estimate
Appendix F – Reservoir Operations and Maintenance Budget
Appendix G – Proposed Assessment

## **Introduction**

The purpose of this document is to summarize the process that the Monterey County Water Resources Agency (MCWRA) has used to develop a new assessment to fund implementation of the Salinas Valley Water Project (SVWP) and the continued operations and maintenance of Nacimiento and San Antonio Reservoirs. The SVWP consists of two capital elements – modification of the spillway at Nacimiento Reservoir and construction of the Salinas River Diversion Facility. The primary goals of the continued operation of the two existing reservoirs and the proposed SVWP are:

1. Conserve water within the basin to increase groundwater recharge;
2. Improve the long-term hydrologic balance between recharge and withdrawal;
3. Stop seawater intrusion;
4. Provide a sufficient water supply to meet water needs through the year 2030; and
5. Provide flood protection.

A new assessment zone, Zone 2C, will be established to pay for the benefits associated with the continued operation and maintenance of the two reservoirs and the proposed SVWP. As required by Proposition 218, Zone 2C is defined to include the lands that receive special benefit from the operation and maintenance of the two reservoirs and the proposed SVWP. These benefits are deemed special benefits and therefore only those parcels that receive the special benefit are expected to fund the project. The function of Zone 2C is to fund:

1. Operation and maintenance of Nacimiento and San Antonio Reservoirs;
2. Modification of the Nacimiento Dam Spillway; and
3. Installation of the Salinas River Diversion Facility.

The following discussion summarizes the basis and the results of the development of the proposed assessment for Zone 2C. A detailed analysis is included in the Zone 2C Proposition 218 Engineer's Report (Engineer's Report) that is under preparation by the MCWRA.

It is MCWRA's intent that the existing water standby and availability charges for Zones 2 and 2A will cease upon approval of the proposed Zone 2C assessment. In the event that the proposed Zone 2C assessment is not approved, the existing Zone 2 and 2A water standby and availability changes will remain in effect.

## **Assessment Committee**

The Assessment Committee (Committee) was a committee of the Salinas Valley interests that was originally formed by order of Judge Silver as part of the Orradre et al. vs. MCWRA litigation. The Committee originally established by Judge Silver was charged with the responsibility to develop a new and proportional form of assessment(s) to replace the existing Zone 2 and 2A uniform water standby charges. In considering new forms of assessments, the original Assessment Committee was to take into account the

extent to which MCWRA makes water available to the assessed land, the reduction of overdraft, the prevention of seawater intrusion, and any other water availability, flood control, quality and other benefits conferred on the assessed lands.

The original Committee was comprised of representatives from the following groups<sup>1</sup>:

1. Orradre et al litigants;
2. Castroville Agricultural Water Coalition;
3. Eastside Water Alliance;
4. Salinas Valley Water Coalition;
5. Cal-Water Company; and
6. MCWRA.

As this group continued to meet, it decided to broaden membership and include groups from other Salinas Valley interests, such as urban areas. The additional participants included:

1. City of Salinas
2. City of Marina<sup>2</sup>
3. Marina Coast Water District
4. City of Greenfield

One of the main focuses of the group was to develop assessment strategies that would be used by the MCWRA. The group was charged with developing strategies that would be technically based, equitable, and reflect an understandable allocation of the benefits of MCWRA's projects.

A Technical Sub-Committee (Technical Committee) was formed based on Judge Silver's order. One purpose the Technical Committee was to recommend a new boundary for the proposed zone of benefit. The Technical Committee members were Dennis Williams, Joe Scalminini, and Lyndel Melton (Peter Pyle was invited to participate, but declined).

The Assessment Committee, and its Technical Committee, concluded its efforts in early 2001, and presented a summary of its conclusions to the Monterey County Water Resources Agency Board of Directors in a July 16, 2001 letter.<sup>3</sup>

### **Cost Allocation Committee**

The Cost Allocation Committee (CAC) was formed by the Monterey County Water Resources Agency Board of Directors on July 23, 2001. The purpose of the CAC is to develop and present to the MCWRA Board of Directors a recommended basis for assessment for the benefits received from operation of the two existing reservoirs and the proposed SVWP that fully complies with the provisions of Proposition 218. The CAC

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<sup>1</sup> Ultimately the Orradre et al representative chose to not participate in the process

<sup>2</sup> The City of Marina joined the group late in the process

<sup>3</sup> A copy of the July 16, 2001 letter is included in Appendix A.

has met regularly over the last year to develop and finalize a set of recommendations for an assessment to finance the operation and maintenance of Nacimiento and San Antonio Reservoirs and implement the SVWP.

The membership of the CAC is shown in Table 1 below.

**Table 1**  
**Cost Allocation Committee Membership**

Dan Anderson - Forebay	Steve Jensen – East Side Alliance
Bob Antle – Pressure Area	Jim Manassero – East Side Alliance
Mike Armstrong – Urban Community	Bob Martin - Forebay
Chris Bunn – Pressure Area	Roger Moitoso – Upper Valley
Don Chapin, Jr. - North Monterey County	Arvid Myhre – Upper Valley
Carl Chase – North Monterey County	Greg O’Neal – Pressure Area
Jan Collins – Urban Community	Jim Perrine – Urban Community
Matt Gourley – Urban Community	Rich Smith – Arroyo Seco
Chris Indelicato – Upper Valley	Jim Smith – Urban Community
Nancy Isakson – Arroyo Seco	

The CAC reviewed the recommendations from the Committee as part of its initial work. The CAC refined the recommendations by the Committee for both the zone boundaries and the benefit matrix. Those refinements and recommendations are presented below.

### **Zone of Benefits**

The proposed zone of benefit (Zone 2C) has been defined based on geological conditions and hydrological factors, which define and limit the benefits derived from the reservoirs. The proposed zone is separated into six major hydrologic sub-areas, as shown in Table 2.

The Zone 2C boundary presented in this summary report was reviewed and approved by the members of the original Technical Committee (Dennis Williams, Joe Scalminini, and Lyndel Melton).

In addition to refining the Zone 2C boundary, the CAC also refined the definition of the sub-areas. The sub-area definitions are based on the work originally presented in Bulletin 52. Two additional sub-areas were identified that are upstream of the Upper Valley sub-area. The first of these two new sub-areas extends from the Upper Valley sub-area to a point downstream of San Antonio Dam. The second extends upstream of San Antonio Dam to include lands adjacent to San Antonio Reservoir. Both of these areas were added because they receive benefit from the existing reservoir operations. The CAC recommendations for the sub-areas are shown in Table 2 on the following page. The proposed Zone 2C is shown in Figure 1.

**Table 2**  
**Areas of Benefit Within Zone 2C**

Upper Valley
Extended Upper Valley – Above Dam
Extended Upper Valley –Below Dam
Forebay
Pressure
East Side
Arroyo Seco

**Definition of Benefits**

The proposed assessment is based upon the concept that the benefit received from operation of the reservoirs and the proposed SVWP are determined by two factors. The first factor is dependent upon the whether the land owner is actively or passively utilizing the land. The second factor measures the water supply and flood protection benefits derived from operation of the two reservoirs and the proposed SVWP.

**Active/Passive Use of Land**

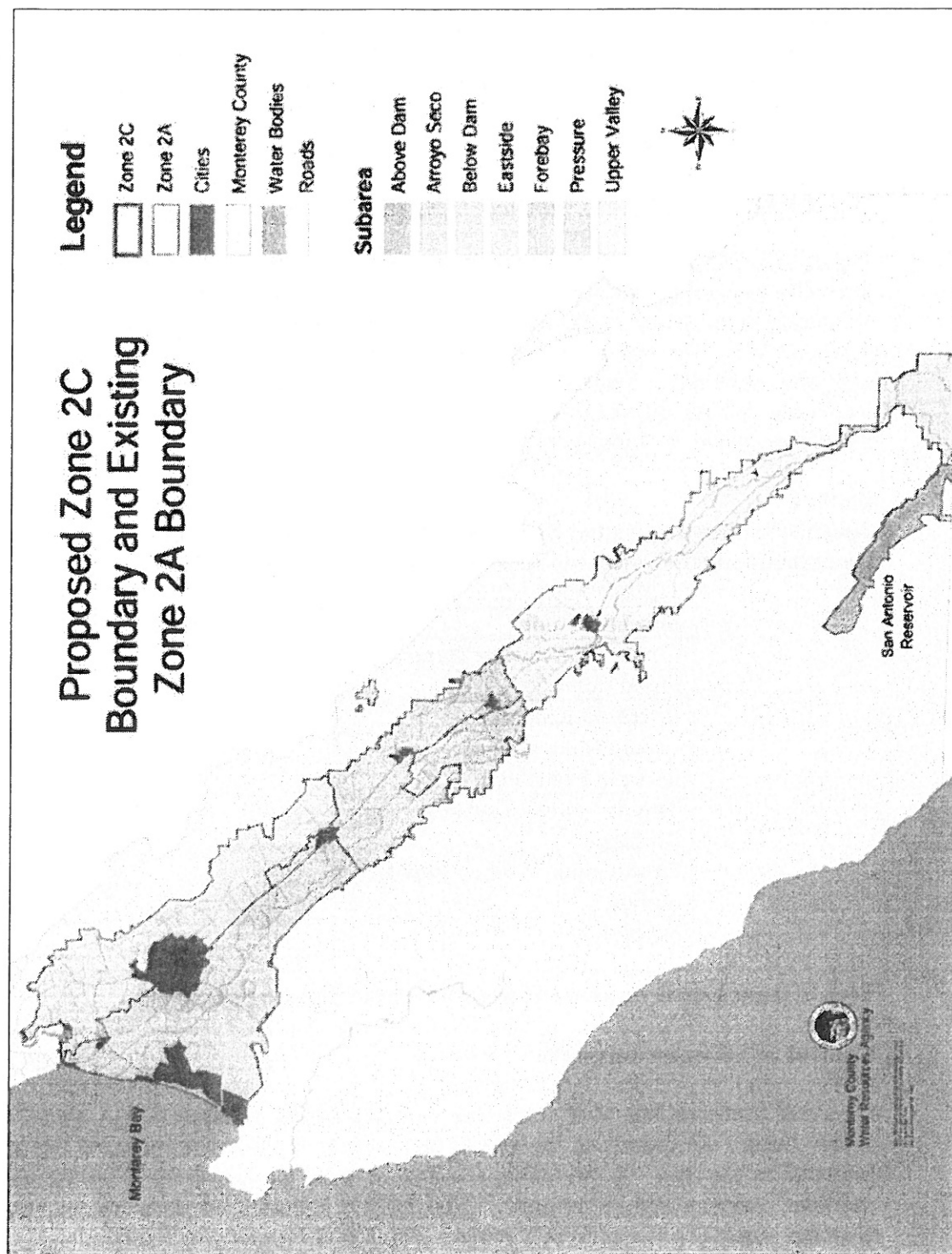
Active use of the land means the land owner has put the land to its potential use, with the highest potential uses being residential, apartments, commercial, industrial, institutional, and irrigated agricultural uses. Dry farming, grazing, vacant lot, lands subject to frequent flooding, and native lands are lower level of use of land, or a more passive use.

The various active/passive use categories and associated factors are presented in the following table:

**Table 3**  
**Proposed Active/Passive Use of Land**

<b>Land Use</b>	<b><u>Active/Passive Use of Land Factor</u></b>
Irrigated Agriculture	1
Residential (1-4 Units)	1
Apartments (over 4 units), Commercial	1
Institutional Land	1
Industrial Land	1
Dry Farm, Grazing, and Vacant Lot	0.1
River Channels and Lands with Frequent Flooding	0.01
Land Receiving No Charge	0

Figure 1  
Proposed Zone 2C





The land use factor is used to determine the equivalent acreage of a parcel based on its designated land use. Equivalent acreage is defined as the amount of acreage of a given land use that receives benefits similar to irrigated agriculture. Irrigated agriculture, residential, apartment, commercial, institutional, and industrial uses have been identified as receiving the most benefit from the operation of two existing reservoirs and the proposed SVWP. The equivalent acreage is utilized in the development of the assessment rates that will be used to calculate each parcels share of the cost. The equivalent acreage by land use for each sub-area is presented in Appendix B.

### **Water Supply and Flood Protection Benefits**

The CAC reviewed the list of benefits recommended by the Technical Committee and generally concurred with its recommendation. Included with the list of benefits is a weighting factor based on the expected level of benefit as a result of the implementation of the SVWP. The one area of difference is the CAC has not included “environmental” as a special benefit. The list of water supply and flood protection benefits and related weighting factors afforded through operation of the two reservoirs and the proposed SVWP are shown in Table 4.

**Table 4**  
**Special Benefits Associated with Operation and Maintenance of**  
**Nacimiento and San Antonio Reservoirs and the Proposed SVWP**

<b>Special Benefit</b>	<b>Weighting Factor</b>
Control of Seawater Intrusion	3
Flood Control	3
Increased Recharge	1
Groundwater Quality	1
Drought Protection	1
Timing and Location of Recharge	1
Preservation of Aquifer Storage	1
Recreation	1

Each of these benefit measures is described in the following paragraphs.

### **Control of Seawater Intrusion**

Seawater intrusion has been identified as a significant problem in the Salinas Valley Water Basin. Overdraft of the groundwater basin is the main cause of the seawater intrusion in the area. By providing a source of water to replace the use of groundwater, seawater intrusion can be reduced. This benefit includes the reduction in the rate of seawater migrating inland from Monterey Bay into the underlying aquifers.

### **Flood Control**

Nacimiento and San Antonio Dams have two primary functions in the Salinas Valley. One of those functions is providing flood protection to areas downstream of the reservoirs. This flood control benefit minimizes property damage that results from flooding, minimizes the destruction of roads and bridges, and enhances the ability of landowners to plant permanent crops and construct permanent improvements in areas previously prone to flooding.

### **Increased Recharge**

Increased groundwater recharge refers to the ability of the reservoirs to conserve (store) water that would otherwise be lost to Monterey Bay during the wet season, and regulating the release of that stored water into the Salinas River for recharge from the streambed to the groundwater system during the dry (irrigation) season.

### **Groundwater Quality**

The recharge of stored water results in a greater amount of water in storage within the Salinas Valley basin, and thus, higher groundwater elevations. These higher elevations serve to deter poorer quality groundwater from flowing into the Salinas Valley basin or toward central portion of the basin. The improvement in groundwater quality is a result of the increased recharge and groundwater elevations.

### **Drought Protection**

If the reservoirs did not release water from storage during dry periods, the Salinas River would experience longer periods of time (every year) with no stream flow nor recharge to the Salinas Valley basin. With the reservoirs, water can be released from storage for a longer period of time during the drought year cycle. Additionally, the annual increased levels of recharge to the groundwater basin that result from reservoir operations provides a net increase in stored groundwater. This increase in stored groundwater provides added drought protection.

### **Timing and Location of Recharge**

The additional stream recharge due to the operation of the reservoirs generally results in higher groundwater levels. The Nacimiento and San Antonio reservoirs are operated in such a way as to store winter runoff and then release it in the irrigation and post-irrigation season when the recharge potential is highest. The irrigation and post irrigation seasons tend to happen in the warmer, drier months of the year, such as April to October. When water is released during this time, it recharges the aquifer at a time when the aquifer would not normally be recharged (no rainfall and significantly reduced natural runoff). Groundwater levels would be lower during the irrigation season if water was not released from the reservoirs for groundwater recharge. Therefore, one of the benefits of the reservoir operations is the increase in stream recharge along the Salinas River.

## **Preservation of Aquifer Storage**

The release of water from the reservoirs recharges the groundwater aquifer, and thus preserves aquifer storage by preventing seawater from entering into the aquifer storage space. Once seawater moves into a freshwater aquifer, the aquifer water quality is degraded and cannot be used as a water supply source for domestic and agricultural water supplies.

## **Recreation**

The reservoirs have provided a recreation benefit of particular significance to the properties immediately adjacent to the reservoir sites. This recreation includes boating, fishing, and camping.

## **Benefit Evaluations**

The benefits were evaluated separately for each of the three major components:

- Operation and maintenance of Nacimiento and San Antonio Reservoirs;
- Construction of the modification to the spillway at Nacimiento Reservoir; and
- Construction of the Salinas River Diversion Facility.

Building on the process established by the Committee, the CAC utilized the Technical Committee to identify rankings for each of the benefits. The Technical Committee continued to use the same methodology recommended by the Committee.

The CAC has analyzed the benefits of each project component by sub-area within Zone 2C. The results of the benefit analysis are summarized in Tables 5a through 5c. The detailed benefit rankings by criteria by sub-area are presented in the Appendix C.

**Table 5a**  
**Benefit Matrix for Operation and Maintenance of**  
**Nacimiento and San Antonio Reservoirs**

<b>Area</b>	<b>Ratio</b>
Upper Valley	2.6
Extended Upper Valley - Above Dam	2.7
Extended Upper Valley - Below Dam	2.9
Forebay	2.7
Pressure	5.7
Eastside	3.1
Arroyo Seco	1.0

**Table 5b**  
**Benefit Matrix for Modification of Nacimiento Spillway**

<b>Area</b>	<b>Ratio</b>
Upper Valley	2.3
Extended Upper Valley - Above Dam	4.0
Extended Upper Valley - Below Dam	2.8
Forebay	2.5
Pressure	6.3
Eastside	4.8
Arroyo Seco	1.0

**Table 5c**  
**Proposed Benefit Matrix for Salinas River Diversion Facility**

<b>Area</b>	<b>Ratio</b>
Upper Valley	0.0
Extended Upper Valley - Above Dam	0.0
Extended Upper Valley - Below Dam	0.0
Forebay	0.0
Pressure	1.2
Eastside	1.0
Arroyo Seco	0.0

**Proposed Assessments**

The proposed assessments have been established by utilizing the ratios presented in Tables 5a through 5c, and multiplying those relative ratios times the total assessment amount required for each of the three areas – operations and maintenance of Nacimiento and San Antonio Reservoirs, construction of the modification to the Nacimiento Spillway, and construction of the Salinas River Diversion Facility. The estimated annual costs are presented in Table 6.

**Table 6**  
**Estimated Costs for Zone 2C**

<b>Description</b>	<b>Capital Cost</b>	<b>Annual Cost</b>
Operation and Maintenance of Nacimiento and San Antonio Reservoirs	-	\$2,370,000
Construction of Modification to Nacimiento Spillway	\$7,300,000	\$470,000
Construction of Salinas River Diversion Facility	\$11,500,000	\$750,000

In addition to the costs shown in Table 6, there is an annual cost associated with maintaining the assessment rolls. That cost is estimated to be \$273,000. The assessment roll maintenance cost has been distributed based on the active/passive use of land matrix to all lands within Zone 2C.

The costs associated with operation and maintenance of the two reservoirs, construction of the Nacimiento Spillway modification, and construction of the Salinas River Diversion Facility were allocated based on the ratios listed in Tables 5a through 5c in conjunction with the active/passive use of land methodology described earlier. These assessments are based on a cost per acre for each land use within a specific sub-area.

The annual operations and maintenance cost associated with the Salinas River Diversion Facility will be recovered through water delivery charges to the recipients of the delivered water. Those charges will be levied to water users in existing Zone 2B.

The annual operations and maintenance costs associated with the modified spillway at Nacimiento Dam are included in the Nacimiento and San Antonio Reservoirs operations and maintenance costs.

The total assessments are shown in Appendix G.

### **Conclusion**

As stated previously, this document serves as a summary of the development of the proposed assessment for funding the SVWP and continuing operation of the MCWRA's reservoirs. The Committee and CAC were formed in one case by a judicial order and the other by the MCWRA Board of Directors. Members of both committees represented the majority of water users in the Basin. The CAC believes these assessments are based on good science, are equitable, and reflect an understandable allocation of the benefits from the MCWRA's projects. The CAC recommends the assessment methodology described in general in this document be the basis for submitting an assessment for Zone 2C to the voters as required by Proposition 218.

**Appendix A- Letter from Assessment Committee to MCWRA Board of Directors**

July 16, 2001

Board of Directors  
Monterey County Water Resources Agency  
893 Blanco Circle  
Salinas, Ca 93901-4455

Subject: Recommendations for Modifications to Zones 2/2A

For the past 18 months, a group of individuals have met to discuss issues surrounding Zones 2/2A. Initially, there were six individuals, and six alternates representing six water use groups as identified by Judge Richard Silver in a Committee to which he gave a specific purpose in conjunction with litigation before his court.

The group's origin came from language Judge Silver included in his Order in the *Orradre, et al. vs Monterey County Water Resources Agency* litigation:

*"(t)he Assessment Committee shall have principal responsibility for the development of a new and proportional form of assessment(s) to replace the Agency's existing Zone 2 and 2A water standby charges. The Assessment Committee shall identify an area or areas within the Salinas Valley which can be properly and legally assessed because such area is specifically benefited by the Agency's activities of releasing water from the upstream reservoirs and other reservoir related benefits and shall develop a new and proportional form of assessment(s) to be based upon the degree of water benefit conferred. Any proposed assessment may be proposed in the form of a charge or fee that the Agency may collect under the exercise of its authority to impose fees and charges under the Agency Act. In considering a new form of assessment(s), the Assessment Committee shall take into account the extent to which the Agency makes water available to the assessed land, the reduction of overdraft, the prevention of seawater intrusion, and any other water availability, flood control, quality and other benefits conferred on the assessed lands."*<sup>1</sup>

As the "Ad-Hoc Assessment Committee," prepared to meet, one of the six initial members representing the plaintiffs in the case decided not to participate with the group. The remaining representatives were individuals who have actively participated in various County processes over the past several years and have examined and evaluated the MCWRA and its administrative and operational systems. These representatives began to meet and continued to encourage the plaintiffs to participate. They also decided to broaden the groups membership. In particular, greater balance was sought by inviting additional urban representatives to join the discussions. As the group met in June to summarize what it had accomplished, the participants represented the water use groups shown at the end of this letter.

<sup>1</sup>Case No. 11577, page 2 lines 13 - 25, Stipulated Order Staying Litigation and Approving Court Supervised Settlement Process

The focus of the group's efforts was to continue the development of a new and proportional form of assessment(s) to replace the Agency's existing Zone 2 and 2A water standby charges. In this work, the group spent considerable time and resources engaging consultants and working with the MCWRA staff to develop useful information.

The group recognized that the Historical Benefit Analysis (HBA) had achieved some useful objectives; that it has served to show that there is a need to better define the benefits received by Valley parcels from the Nacimiento and San Antonio Reservoirs. It is also true that the majority of groups and individuals within the Salinas Valley continue to have some issue with the information and/or data presented in the HBA. Even as the Agency has begun to think about the need to develop new assessments for the Salinas Valley Water Project, and perhaps other new projects within the Zones, we believe the Agency must first determine how to develop and implement a new proportional form of assessment(s) to replace the existing water standby charges.

Again, the group made the commitment to continue meeting and pursue the mission in the manner discussed under item (11) in Judge Silver's Order, which states:

*"Separate and apart from the settlement process described in this stipulated order, the Agency, plaintiffs, plaintiffs in T&A v MCWRA... .. and the other parties to this stipulated order shall meet and confer regarding the development of a process for the optimal utilization of water resources in the Salinas Valley. To the maximum extent feasible, any such process shall be coordinated with the Agency's ongoing planning and environmental review efforts in connection with the Salinas Valley Water Project. "*

We have been encouraged to seek solutions in the Salinas Basin not merely as a response to a current court case, but, more importantly because the State Water Resources Control Board (SWRCB) initiated a formal investigation of the Salinas Valley Groundwater Basin several years ago. The SWRCB informed the Agency that it would investigate groundwater production and use, and water management practices as they relate to the water quality problems of the Salinas Valley Groundwater Basin. The continuing investigation consists of collecting and verifying information on groundwater production and use, fertilizer use, cropping patterns, agricultural practices, water conservation practices, reservoir operations and physical characteristics of the basin to enable the SWRCB to determine whether State action is needed to prevent destruction of or irreparable injury to the quality of Basin groundwater.

The SWRCB Notice informed individual property owners and the Agency that the SWRCB preferred a local solution to the groundwater problems in the Salinas Valley over State action. The SWRCB communication stated, in part, *"However, if the MCWRA*



*fails in its efforts [to resolve the Salinas Valley Groundwater Basin water quality problems] then the State will implement a Basin groundwater solution. "*

Like most people in the Salinas Valley, members of this group certainly prefer a local solution over State intervention. This shared position cemented our commitment to continue to work together with the Agency to help develop a new, proportional property assessment that could replace the existing water standby charges in Zones 2/2A.

Recognizing that any new assessment proposed by the Agency will be put before the affected property owners pursuant to the California Constitution as amended by Proposition 218, we focused on developing proposals for new assessment(s) in accordance with existing laws. In order to maintain credibility, and withstand potential legal challenges, we strongly believe there must be a broadly accepted scientific basis for any new zone established, and for establishing new assessments based on the proportionality of benefit conferred upon each parcel.

Our first action was to try to determine the appropriate boundaries for Zones 2/2A. The original Committee formed a Technical Sub-Committee<sup>2</sup> to review available information and to prepare a detailed map (see Attachment 2) that shows the geologic units present in the Salinas Valley, along with delineation of the five major hydrologic sub-areas of the groundwater basin (Pressure, East Side, Arroyo Seco<sup>3</sup>, Forebay, and Upper Valley). The orange line on the map denotes the general location of the zone of benefit derived from the operation of the reservoirs. As discussed in the March 29, 2001 memorandum (see Attachment 3), this zone of benefit is based on hydrogeologic characteristics (water level contours, water quality data, specific capacity data) and geologic conditions (structure, i.e. faults and folds, laterally and vertically extensive clay zones, presence of bedrock and marine formations). The March 24, 2000 memorandum (see Attachment 4) from the Technical Sub-Committee to the Committee is a summary of the work completed by the Technical Committee regarding the definition of a proposed new zone of benefit, based on the best available 'good science'.

We believe that following property owner approval of any new assessment for the two dams and reservoirs, the revenue would be available to fund expenses for the operation and maintenance (as defined in Proposition 218) for Nacimiento and San Antonio.

<sup>2</sup> The Technical Sub-Committee was established pursuant to Judge Silver's Order and was comprised of one representative from the MCWRA, Castroville Growers Association, Orradre et al group and one representing the Eastside Water Alliance, Salinas Valley Water Coalition, T&A/Chris Bunn and Urban.

<sup>3</sup> Please note that the Committee agreed that the designation of the Arroyo Seco as a separate geologic unit within the Basin was consistent with prior documents, including Bulletin 52 prepared by Department of Water Resources in 1946.

We have reviewed and discussed many issues and concepts that we believe may be useful to the Agency in the near future. Although as a group we represent the prominent geographic and water use diversity within the Valley, we were nevertheless able to agree on many important questions. There are, however, some questions we have not been able to agree on, reflecting the need for the Agency to consider how to carry forward the existing momentum to seek further compromise and solutions.

We were able to agree on the following concepts and issues:

- Definition and Criteria for Purpose of [New] Zone: funds for maintenance and operation of Nacimiento and San Antonio Reservoirs
- Definition of [New] Zone Boundary and Zone of Benefit: as presented by Technical Sub-Committee based on its written Description of Zone of Benefit, dated March 24, 2000
- List of benefits that will be considered "special" benefits conferred to lands within the Zone of Benefit, as discussed in the Technical Sub-Committee's March 24, 2000 memorandum:
  - control of seawater intrusion
  - flood control
  - increased recharge
  - ground water quality
  - time and location of recharge from the Salinas River
  - drought protection
  - preservation of aquifer storage
  - recreation
  - environment

We also concluded that every parcel in a "new" Zone would receive benefits in most, but perhaps not all, of the categories listed above. The following are the Sub-Zones<sup>4</sup> within the Zone of Benefit:

- |                                  |               |
|----------------------------------|---------------|
| - Upper Valley -- near river     | - Pressure    |
| - Upper Valley - away from river | - East Side   |
| - Forebay - near river           | - Arroyo Seco |
| - Forebay- away from river       |               |

<sup>4</sup> The Sub-Zones are shown on the enclosed map as prepared by the Technical Sub-Committee. The boundaries are approximate and the Committee recognizes, and recommends, that further refinement to the boundaries will need to be completed as part of the Engineers Report for the Proposition 218 vote.

These hydrologic sub-zones were identified because of the recognized differences in benefits conferred to the lands, within the different areas. For example, we recognized that lands nearer the Salinas River receive a greater flood control benefit than, lands away from the River - hence the distinction. The same level of distinction was made with regard to all of the special benefits considered.

Before the original Committee was expanded, some initial work was completed, including the development of a 'Benefit Matrix'. Therefore, not all of our present group participated in this effort, but we submit it to the Agency for consideration. This proposed Benefit Matrix (see below) utilizes the list of special benefits conferred and the seven sub-zones, and assigns proportional values to each sub-zone for each, of the nine areas of special benefit. A matrix such as this could be used to determine the total assessment dollars to be paid by property owners within each sub-zone, based on consideration of the proportionality of benefit conferred.

<u>Area</u>	<u>Proportional Weight</u>
Pressure	4.7
Eastside	2.7
Forebay - near river	2.8
Forebay - away from river	1.3
Upper Valley- near river	2.7

Likewise, the original group worked to develop the following revised Land-Use Classifications which could be considered with the proportionally weighted sub-zones, to determine the assessment for a given parcel within each sub-zone.

<u>Land Use Factor</u>	<u>Assessment</u>
Factor A - Irrigated Ag	Per irrigated acre
Factor A - Residential, Commercial, Institutional	Per Residential Dwelling Unit [RDU] <sup>5</sup>
Factor B - Industrial	Per acre; minimum charge of one acre; each acre equal to the one irrigated Ag acre

<sup>5</sup> A Residential Dwelling Unit is defined as one house, or one condominium or one apartment. Current Zone 2/2A residential/commercial/institutional assessments are applied on a per parcel basis with a minimum charge equivalent to 1/4 of the irrigated Ag acre charge.

Factor C-Dry Farm, grazing  
vacant land

Per acre; 10% of irrigated Ag acre;  
minimum charge of one acre

Factor D - River channel  
and land subject to frequent  
flooding

Per acre; 10% of Factor C acre

It's fair to say that there remains significant disagreement in our group between the agricultural and urban representatives on the above factors. Specifically, urban representatives do not support assessing each residential dwelling unit (houses, condominiums, or apartments) an amount equal to Factor A, or one irrigated Ag acre. As you know, today, dwelling units are assessed at one-fourth the amount of an irrigated Ag acre; unless the urban parcel is larger than one-quarter acre. If a new Factor A for Residential, Commercial and Institutional parcels were to be adopted, quarter-acre parcels could experience at least a 400%<sup>6</sup> increase over current assessments. The urban representatives in our group do not believe this concept is supported by good science.

In summary, we began as a formal Committee made up of six members, but we have evolved into a larger, informal group that includes more urban representatives. All of us continued to meet and work on these concepts and issues because we believe it is critical to the well being of the Salinas Valley that compromise and consensus is reached leading to a basin-wide solution.

We also recognize that the Agency has other programs and projects that either require comprehensive review or new policies with regard to assessments and charges throughout Zones 2/2A. We would encourage the Agency to view this work in a comprehensive manner, ensuring that all property owners understand the full complement of activities that will be required in the near future; and, that the issue of a possible new Zone and modified assessments, as discussed in this letter, be identified as the first order of business. It is important that the restructuring of Zones 2/2A be accomplished and that the results be (1) based on good science, (2) be equitable, and (3) reflect understandable and proportional cost-benefit analysis. With such a restructured Zone and new assessments, the Agency would have the funds necessary for the operation and maintenance of Nacimiento and San Antonio Reservoirs.

#### Attachments

1. List of organizations participating in this process
2. Map of Zones 2/2A and proposed modifications
3. Memo from Technical Sub-Committee, dated March 29, 2001
4. Memo from Technical Sub-Committee, dated March 24, 2000

<sup>6</sup> By way of example an existing single family dwelling in the City of Salinas on less than one-quarter of an acre, currently pays approximately \$2.20 annually for Zones 2/2A. Under the above scenario the same single family dwelling would pay approximately \$8.80 annually.

## **MEMORANDUM**

Date: March 24, 2000  
To: Salinas Valley Assessment Committee  
From: Technical Committee

### **SUBJECT: STATUS, INTERIM CONCLUSIONS, AND OUTSTANDING ISSUES**

The following summary has been prepared to report on work by the Technical Committee in response to your Committee's request that it investigate certain questions, most notably whether a technically based zone of benefit could be defined for consideration by your Committee to reinforce or replace, as appropriate, the existing Zones 2 and 2A. This summary is organized into two main parts: Status and Interim Conclusions, and Outstanding Issues.

#### **Status and Interim Conclusions**

Based on a request and direction from your Committee in early January, the Technical Committee prepared a scope of work for a first meeting which was held on January 26, 2000. The intended work tasks were to address potential basin and zone boundaries, prepare a list of historical benefits associated with the reservoirs, and to estimate the scope and cost of an Engineer's Report if one were to be requested. Unfortunately, due to a decision by counsel to the plaintiffs, the technical representative of the plaintiffs did not participate in that meeting. The other three members proceeded to initially consider bases for generally defining an area which receives benefits from the reservoirs; they also proceeded to prepare a listing of benefits, and to estimate the cost of an engineering report if one were to be required. The results of that initial work were presented at your Committee meeting on February 1, 2000.

At the February 1 meeting, your Committee asked if the Technical Committee could continue its work by completing some of the various tasks which it had started to refine the definition of a basin/zone boundary (investigation of ground-water levels, flow direction, quality, etc.) and return

Status, Interim Conclusions, and Outstanding Issues  
March 24, 2000

with a conclusion regarding an area which receives hydrologic benefit, including water supply benefit, from reservoir operations. It should be emphasized that your Committee did not direct the Technical Committee to define a hydrologic boundary; rather, it directed that a boundary be defined, if possible, within which hydrologic or water supply benefits attributable to the reservoirs occurred. In the specific words of one Assessment Committee member, "if an area is receiving benefits from the reservoirs, it should be in the zone".

The Technical Committee, still absent the plaintiffs' representative, continued its individual research and collective work; and its conclusions were reported to your Committee on March 8, 2000. Based on a collective interpretation of geologic and hydrogeologic factors, the Technical Committee concluded that benefits which result from the reservoirs are physically confined to the lands which overlie the aquifer system composed of Pleistocene and younger aged deposits in the Valley, i.e., primarily the alluvium and related (e.g. Aromas Red Sands) aquifer materials. This Salinas River Valley aquifer system also includes underlying Paso Robles Formation deposits in the northern portion of the Valley. Thus, the zone of benefits as defined by the Technical Committee is that boundary within which the underlying ground-water system receives some or all of its recharge (either directly or indirectly) from the releases from the reservoir system. For all practical purposes, this zone coincides approximately with the boundaries of the Salinas River Valley aquifer system. As the reservoir/river/aquifer system physically functions, there are no hydrologic or water supply benefits which extend beyond the Salinas River Valley aquifer. Thus, the conclusion of the Technical Committee members who participated in the work to date (all but the plaintiffs' representative) is that a zone of benefits be defined as the extent of the Salinas River Valley aquifer system within the valley. The preceding conclusions were presented at your meeting on March 8, 2000. The extent of the zone of benefits is described and illustrated in the attached map and supporting text.

The preceding conclusions should not be interpreted to mean that benefits are uniform within the Salinas River Valley aquifer, or that benefits could not be "delivered" or "exported" from the aquifer system in the Valley. The latter is discussed under Outstanding Issues below. The former item, distribution of benefits, was briefly addressed by the Technical Committee; a matrix approach to assigning relative benefits was introduced; and we understand that your Committee is pursuing that approach to try to reach agreement on relative benefits within the overall zone of benefit.

### **Outstanding Issues**

At the March 8, 2000 Assessment Committee meeting, a plaintiff's representative on the Technical Committee, Mr. Page of Stetson Engineers, was in attendance and provided some comments on the Technical Committee work to date (in which, as noted above, neither he nor anyone else representing the plaintiffs had participated). While he indicated to the other Technical Committee members that he could not have much disagreement with the technical description of the aquifer system, he introduced to the entire group the concept of utilizing property boundaries as a parameter to be considered in defining a zone of benefit associated with the reservoirs. To the other members of the Technical Committee, he briefly described his technical analysis to "connect" lands outside the basin (not overlying the river/aquifer system) to the river/aquifer system; part of that "connection" was based on an assumption that ground water beneath the Salinas River would someday be classified as the underflow of the River. Ultimately, after some discussion by the Assessment Committee, it was agreed to have the whole Technical Committee meet and determine whether it could reach agreement on a zone of benefit with this new input from the plaintiffs' technical representative. A meeting was then scheduled for March 14, 2000.

On the day after your last Committee meeting, the plaintiff's Assessment Committee representative wrote a memo to the various parties and presented a new idea for formation of a new zone of benefit. An attached memo from Stetson Engineers, dated the next day, reportedly outlined the new idea and described the new zone. Unfortunately, while the memo generally introduces a concept for defining a zone of benefit, it does not quantitatively describe a new zone. The lack of such a description constrains any attempt to technically analyze and report on the viability of such a zone to your Committee, as further discussed below.

The Technical Committee informally met by telephone conference on Monday afternoon, March 13, 2000. As he had indicated in the Stetson memo described above, Mr. Page was unavailable for a Technical Committee meeting on that day, and Mr. Pyle of Stetson Engineers replaced him in the telephone conference meeting. The results of that meeting, which leave a major issue unresolved (meaning all four members of the Technical Committee do not agree), can be summarized as follows.

Status, Interim Conclusions, and Outstanding Issues  
March 24, 2000

- Stetson's concept of a "new idea" for a zone of benefit can be extracted from its memo: "It appears that anyone with access to and capable of pumping water from the defined groundwater basin or directly diverting surface water may receive a benefit by the releasing of water from upstream reservoirs, regardless of whether the land where the water is being used overlies the ground-water basin". The concept is based upon a statement in the court's settlement order to "...identify an area or areas within the Salinas Valley which can be properly and legally assessed because such area is specifically benefitted by the Agency's activities of releasing water from the upstream reservoirs....".
- The Stetson concept is just that, a concept. Other than a mapped line which reportedly surrounds lands with slopes less than 15 percent, there is no definition or description of a new proposed zone based on the access and capability to pump from the ground-water basin as described in the Stetson memo. Mr. Pyle confirmed several times that the proposal is just a concept, and indicated that Stetson had done no work to define a zone other than to map the 15 percent slope boundary. He also indicated that he didn't think that all the mapped lands would be brought into production but, other than referring to future economically-based decisions on a parcel-by-parcel basis, he had no knowledge of what the concept might ultimately produce in terms of an overall zone.
- Although Mr. Page had earlier indicated that he had no disagreement with the definition of the stream-aquifer system, it is unclear whether Stetson Engineers would agree that ongoing benefits of reservoir operations are physically confined to the Salinas River Valley aquifer. It appears that this point is not critical to the Stetson concept one way or the other. While Stetson concludes that access to the river/aquifer system and pumping capability are sufficient bases for inclusion of non-overlying lands in a zone of benefit, the balance of the Technical Committee concludes that reservoir benefits are physically confined to the river/aquifer system, and that any enlarged zone can only be artificially created by physically removing water from that river/aquifer system and delivering it to non-overlying lands.


The unanimous technical conclusion of three members of the Technical Committee (Melton, Scalmanini, and Williams) is that the Stetson concept for an expanded zone of benefit is ill-defined and hydrogeologically detrimental to the Valley as a whole. Without question, any delivery of water from the river/aquifer system to overlying or non-overlying lands would derive some benefit from





Status, Interim Conclusions, and Outstanding Issues  
March 24, 2000


reservoir operations. However, while lands overlying the river/aquifer system would directly derive their benefit from physical location (over the aquifer which is directly recharged by the river), lands not overlying the river/aquifer system can only indirectly and artificially derive a "benefit" by physically removing water from the river/aquifer system and transporting it to such lands. The lack of any definition of proposed new zone area and potential water use notwithstanding, the pumping of water from the river/aquifer system for delivery to non-overlying land, regardless of access to the river/aquifer, would represent an interception of some of the yield of the reservoirs. In that sense, it would directly reduce that amount of water for recharge of the aquifer farther downstream; it would also reduce the amount of water available for diversion to replace pumpage at the far northern end of the Valley and thus diminish the system's ability to deliver adequate water to stop seawater intrusion.

Augmented ground-water recharge and control of seawater intrusion are two of the principal reasons for which the reservoirs were built. Interception of yield from them, to the detriment of their intended objectives, would be contrary to any intended benefits associated with them. In an extreme, given the size of the Stetson-mapped area (despite the vague descriptions that the area could be much smaller), the Stetson zone concept could potentially have a catastrophic impact on the hydrologic balance of the Valley. Acceptance of the Stetson concept, even if only for a small area at first, would establish a precedent for interception of reservoir yield that would undermine all the historic and current water resources planning and management activities in the Valley.

  
Lyndel Melton  
representing MCWRA

  
Dennis Williams  
representing Castroville Group

  
Peter Pyle  
representing Orradre, et. al.

  
Joseph Scalmanini  
representing Tanimura & Antle/Bunn, Eastside  
Water Alliance, Salinas Valley Water Coalition,  
and Municipal Water Suppliers

Attachment

*Adopted by Assessment  
Committee 6-1  
3/24/00*

## **Salinas River Valley Benefit Zone**

The Salinas River Valley Benefit Zone is a zone of benefit derived from the operation of the Nacimiento and San Antonio reservoir system. The extent of this zone of benefit is based upon geologic conditions (structure, i.e., faults and folds, laterally and vertically extensive clay zones, presence of bedrock and marine formations) and hydrogeologic (ground-water level and quality data, well yield and aquifer characteristic data) factors which define and limit the areal extent of benefits derived from the operation of the reservoir system in the Salinas Valley. The evaluation of geologic and hydrogeologic conditions led to definition of a basin boundary (within which benefits occur) which encompasses geologic deposits of Pleistocene and younger (predominately alluvium) age. This boundary also includes the Paso Robles Formation of Pliocene-Pleistocene age in the northern portion of the Valley and certain locations in the central portion of the Valley where the Paso Robles Formation is locally confined within the Valley, typically exposed near the perimeter of the Valley, and generally in close proximity to the Salinas River (see Plate 1).

The benefits that are derived from the operation of the Salinas Valley reservoir system encompass many hydrogeologic, hydrologic, and cultural benefits, including control of seawater intrusion, flood control, augmentation of ground-water levels and storage via increased in-stream recharge, control of locally poor ground-water quality, timing and location of recharge from the Salinas River, drought protection, preservation of aquifer storage, and recreational and environmental (riparian habitat) benefits. The location of the Salinas River Valley Benefit Zone boundary is shown on Plate 1 and described below.

The delineation of the Salinas River Valley Benefit Zone boundary, beginning in the southernmost portion of the Valley, actually starts immediately downstream of the reservoirs but, for political purposes, is shown to start at the boundary of Monterey and San Luis Obispo Counties. The zone boundary extends on either side of the Salinas River, Nacimiento River, and San Antonio Creek to encompass the lateral extent of the alluvial deposits of Pleistocene age and younger and do not include the Paso Robles Formation of Pliocene/Pleistocene age. From the County line northward, through the Upper Valley area, the Salinas River Valley Benefit Zone boundary is the lateral extent of the predominately alluvial deposits of Pleistocene age and younger that extend away from the Salinas River to the western and eastern edges of the Valley. Near the King City area and northward toward the Arroyo Seco Cone area, the boundary on the west side of the valley includes both the alluvium and Paso Robles Formation where the Paso

Robles Formation is locally confined within the Valley, typically exposed near the perimeter of the Valley, and generally in close proximity to the Salinas River. The boundary on the east side of the Valley remains the lateral extent of the alluvial deposits.

In the Forebay area of the Valley, the boundary on both sides of the Salinas Valley follows the contact between the alluvium and older marine and/or non-water bearing formations. In the Arroyo Seco area, the boundary continues to follow the lateral extent of the alluvial deposits.

North of the Arroyo Seco and into the Pressure Zone and East Side subareas, the boundary follows the surficial outcrop of the bedrock formations of the Sierra de Salinas and the Gabilan Range on the western and eastern sides of the Valley, respectively. In the East Side subarea and into the North County area, the boundary follows the outcrop of the Gabilan Range (Granite Ridge area) near the trace of the Elkhorn Slough. The boundary then follows the trace of the Elkhorn Slough to Monterey Bay. In the Pressure zone, the boundary trends to the west toward the Fort Ord area past Highway 68. The boundary follows the contact between the Aromas Sands and the Paso Robles Formation until a north-trending anticline is encountered. The boundary then follows the trend of the anticline north to the Monterey Bay.

**Appendix B**  
**Equivalent Acreage**

<b>Land Use</b>	<b>Land Use Factor (BU)</b>	<b>Area (Acres)</b>	<b>Equivalent Acreage (EA)</b>
<b>Upper Valley</b>			
Irrigated Agriculture	1	66731	66731
Residential (1-4 Units)	1	2084	2084
Apartments (over 4 Units), Commercial	1	223	223
Institutional Land	1	186	186
Industrial Land	1	607	607
Dry Farming, Grazing, and Vacant Lot	0.1	28891	2889
River Channels and Lands with Frequent Flooding	0.01	1	0
Land Receiving No Charge	0	527	0
<b>Subtotal</b>		<b>99250</b>	<b>72720</b>
<b>Extended Upper Valley Above Dam</b>			
Irrigated Agriculture	1	0	0
Residential (1-4 Units)	1	0	0
Apartments (over 4 Units), Commercial	1	0	0
Institutional Land	1	0	0
Industrial Land	1	0	0
Dry Farming, Grazing, and Vacant Lot	0.1	17993	1799
River Channels and Lands with Frequent Flooding	0.01	0	0
Land Receiving No Charge	0	0	0
<b>Subtotal</b>		<b>17993</b>	<b>1799</b>
<b>Extended Upper Valley Below Dam</b>			
Irrigated Agriculture	1	1763	1763
Residential (1-4 Units)	1	61	61
Apartments (over 4 Units), Commercial	1	3	3
Institutional Land	1	0	0
Industrial Land	1	0	0
Dry Farming, Grazing, and Vacant Lot	0.1	18947	1895
River Channels and Lands with Frequent Flooding	0.01	0	0
Land Receiving No Charge	0	21	0
<b>Subtotal</b>		<b>20795</b>	<b>3722</b>
<b>Forebay</b>			
Irrigated Agriculture	1	44530	44530
Residential (1-4 Units)	1	1404	1404
Apartments (over 4 Units), Commercial	1	354	354
Institutional Land	1	86	86
Industrial Land	1	697	697
Dry Farming, Grazing, and Vacant Lot	0.1	13047	1305
River Channels and Lands with Frequent Flooding	0.01	2	0
Land Receiving No Charge	0	159	0
<b>Subtotal</b>		<b>60279</b>	<b>48376</b>

**Appendix B**  
**Equivalent Acreage**

<b>Land Use</b>	<b>Land Use Factor (BU)</b>	<b>Area (Acres)</b>	<b>Equivalent Acreage (EA)</b>
<b>Pressure</b>			
Irrigated Agriculture	1	56328	56328
Residential (1-4 Units)	1	5475	5475
Apartments (over 4 Units), Commercial	1	1709	1709
Institutional Land	1	589	589
Industrial Land	1	2597	2597
Dry Farming, Grazing, and Vacant Lot	0.1	46772	4677
River Channels and Lands with Frequent Flooding	0.01	44	0
Land Receiving No Charge	0	454	0
<b>Subtotal</b>		<b>113968</b>	<b>71375</b>
<b>East Side</b>			
Irrigated Agriculture	1	40357	40357
Residential (1-4 Units)	1	17195	17195
Apartments (over 4 Units), Commercial	1	1365	1365
Institutional Land	1	203	203
Industrial Land	1	1377	1377
Dry Farming, Grazing, and Vacant Lot	0.1	25305	2531
River Channels and Lands with Frequent Flooding	0.01	111	1
Land Receiving No Charge	0	368	0
<b>Subtotal</b>		<b>86281</b>	<b>63029</b>
<b>Arroyo Seco</b>			
Irrigated Agriculture	1	21758	21758
Residential (1-4 Units)	1	362	362
Apartments (over 4 Units), Commercial	1	256	256
Institutional Land	1	33	33
Industrial Land	1	30	30
Dry Farming, Grazing, and Vacant Lot	0.1	3772	377
River Channels and Lands with Frequent Flooding	0.01	0	0
Land Receiving No Charge	0	9	0
<b>Subtotal</b>		<b>26220</b>	<b>22816</b>

<b>Total Acreage for Assessment:</b>	<b>424786</b>	<b>283837</b>
<b>Total Acreage minus Land Receiving No Charge</b>	<b>423248</b>	<b>283837</b>

**Notes**

1. All acreages provided by MCWRA.
2. The equivalent acreage is calculated by multiplying the land use factor by the acreage.
3. A detailed discussion regarding the development of the land use factor will be included in the Engineer's Report.

**Appendix C**  
**Benefit Matrix**

**Spillway Benefit**

Weighting Factor	Benefit	Upper Valley		Forebay		Pressure		Eastside		Arroyo Seco		Extended Upper Valley Below		Extended Upper Valley Above	
		BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF
3	Control of Seawater Intrusion	0	0	0	0	5	15	4	12	0	0	0	0	0	0
3	Flood Control	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	Increased Recharge	1	1	3	3	3	3	2	2	1	1	1	1	1	1
1	Groundwater Quality	3	3	2	2	0	0	0	0	0	0	3	3	2	2
1	Timing and Location of Recharge	2	2	2	2	1	1	0	0	1	1	4	4	5	5
1	Drought Protection	3	3	3	3	2	2	2	2	2	2	3	3	5	5
1	Preservation of Aquifer Storage	0	0	0	0	4	4	3	3	0	0	0	0	0	0
1	Recreation	0	0	0	0	0	0	0	0	0	0	0	0	3	3
1	Environmental	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>		9		10		25		19		4		11		16	
<b>Ratios</b>		2.3		2.5		6.3		4.8		1.0		2.8		4.0	

**Operations Benefit**

Weighting Factor	Benefit	Upper Valley		Forebay		Pressure		Eastside		Arroyo Seco		Extended Upper Valley Below		Extended Upper Valley Above	
		BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF
3	Control of Seawater Intrusion	0	0	0	0	5	15	4	12	0	0	0	0	0	0
3	Flood Control	3	9	3	9	5	15	1	3	1	3	3	9	1	3
1	Increased Recharge	1	1	3	3	3	3	2	2	1	1	1	1	1	1
1	Groundwater Quality	3	3	2	2	0	0	0	0	0	0	3	3	2	2
1	Timing and Location of Recharge	2	2	2	2	1	1	0	0	1	1	4	4	5	5
1	Drought Protection	3	3	3	3	2	2	2	2	2	2	3	3	5	5
1	Preservation of Aquifer Storage	0	0	0	0	4	4	3	3	0	0	0	0	0	0
1	Recreation	0	0	0	0	0	0	0	0	0	0	0	0	3	3
1	Environmental	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>		18		19		40		22		7		20		19	
<b>Ratios</b>		2.6		2.7		5.7		3.1		1.0		2.9		2.7	



**Appendix C**  
**Benefit Matrix**

**Diversion Benefit**

Weighting Factor	Benefit	Upper Valley		Forebay		Pressure		Eastside		Arroyo Seco		Extended Upper Valley Below		Extended Upper Valley Above	
		BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF	BF	WBF
3	Control of Seawater Intrusion	0	0	0	0	5	15	4	12	0	0	0	0	0	0
3	Flood Control	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	Increased Recharge	0	0	0	0	1	1	1	1	0	0	0	0	0	0
1	Groundwater Quality	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	Timing and Location of Recharge	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	Drought Protection	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	Preservation of Aquifer Storage	0	0	0	0	1	1	1	1	0	0	0	0	0	0
1	Recreation	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	Environmental	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>		0	0	0	0	17	17	14	14	0	0	0	0	0	0
<b>Ratios</b>		0.0	0.0	0.0	0.0	1.2	1.2	1.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0

**Notes**

1. Benefit Factor (BF) is based on a 0 (no benefit) to 5 (maximum benefit) scale.
2. Weighted Benefit Factor (WBF) is calculated by multiplying the weighting factor by the benefit factor.
3. Detailed description of the development of the benefits, weighting factors, benefit factors, and zones will be included in the Engineer's Report.

**Appendix E**  
**Capital Cost Estimate**

**Estimated Salinas River Diversion Facility Capital Cost<sup>1</sup> (2002 Dollars)**

1	Land & Easement Purchase	\$ 110,000	
2	Direct Construction (Borcalli 3/20/02)	\$ 6,850,000	
3	CSIP Valve Enlargement (RMC 5/21/01 - inflated 2.5%) & Booster Upgrade	\$ 670,000	
4	Filtration - Sediment/Algae <sup>2</sup>	\$ 420,000	
5	Engineering (10% of Items 2, 3 and 4)	\$ 800,000	
6	Construction Management (8% of Items 2, 3 and 4)	\$ 640,000	
7	Project Administration (5% of Items 2, 3 and 4)	\$ 400,000	
8	Environmental Mitigation / Monitoring	\$ 310,000	
9	Salinas River Diversion Subtotal:	\$ 10,200,000	
10	Planning Support Repayment (5% of Capital Cost Subtotal)	\$ 510,000	
11	Estimated Capital Cost Subtotal:	\$ 10,710,000	
12	Capitalized Interest During Construction (12 mos on Bond Principal @ 5%)	\$ 580,000	
13	Finance Costs (Advisor, Underwriter, Counsel - 2% of Bond Amt)	\$ 230,000	
14	Estimated Capital + Finance Cost:	\$ 11,520,000	
15	Estimated Bond Principal Requirement	\$ 11,500,000	
16	Estimated Annual Debt Service on Bond Principal (30 yrs @ 5%)	\$ 750,000	

**Estimated Nacimiento Dam Spillway Modification Capital Cost<sup>3</sup> (2002 Dollars)**

17	Land & Easement Purchase	NA	
18	Direct Construction (GEI 2/11/02)	\$ 5,500,000	
19	Engineering (Primarily Funded by EDA Grant) <sup>4</sup>	\$ 250,000	
20	Construction Management (8% of Item 18)	\$ 440,000	
21	Project Administration (5% of Item 18)	\$ 280,000	
22	Environmental Mitigation / Monitoring <sup>5</sup>	\$ -	
23	Nacimiento Dam Spillway Subtotal:	\$ 6,470,000	
24	Planning Support Repayment (5% of Capital Cost Subtotal)	\$ 320,000	
25	Estimated Capital Cost Subtotal:	\$ 6,790,000	
26	Capitalized Interest During Construction (12 mos on Bond Principal @ 5%)	\$ 370,000	
27	Finance Costs (Advisor, Underwriter, Counsel - 2% of Bond Amt)	\$ 150,000	
28	Estimated Capital + Finance Cost:	\$ 7,310,000	
29	Estimated Bond Principal Requirement	\$ 7,300,000	
30	Estimated Annual Debt Service on Bond Principal (30 yrs @ 5%)	\$ 470,000	

**NOTES:**

1. 20% contingency is included in each Line Item 1 thru 8.
2. Line Item 4 includes screen filtration of sediment / algae / debris only. Disinfection or other treatment is not included.
3. 20% contingency is included in each Line Item 18 thru 21.
4. Line 19: Preliminary approval has been received from US Dept. of Commerce, Economic Development Administration (EDA) for a cost-share grant for Nacimiento Dam spillway modification engineering. EDA pays 75% and MCWRA pays 25% of engineering costs to a total of \$1,000,000. If the full \$1,000,000 is required, EDA pays \$750,000 and MCWRA pays \$250,000.
5. Line Item 22 is estimated at less than \$10,000 and is considered covered by contingency included in Lines 18 thru 21.
6. CSIP electric power costs will decrease due to reduced use of supplemental wells. See Line 32 detail sheet 3 of 3.
7. All estimates rounded to nearest \$10,000.



**Appendix F**  
**Nacimiento Reservoir Operations and Maintenance Budget**

EXPENDITURES										
Ln	PROGRAM NAME	Zone	Fund	Prog	Staff	Admin Staff	Services & Supplies	Consultants	Reserves	Total Expenditures
<b>ZONE 2C OPERATIONS</b>										
15	Nacimiento Dam Operation & Maintenance	2	205	9200	226,079	53,629	99,000	150,350	0	17,500
16	Nacimiento Reservoir Operation Study	2	205	9201	0	0	0	30,000	0	0
17a	Zone 2 Administration (Excl transf to SVWP 145)	2	205	9210	50,251	5,795	0	25,000	0	0
21	Lake Nacimiento Debris Clearing	2	205	9230	13,301	3,296	7,000	0	0	0
24	San Antonio Dam Operation & Maintenance	2A	206	9410	222,324	52,469	62,000	52,500	0	8,500
25	Zone 2A Administration	2A	206	9412	101,624	25,184	0	35,000	0	0
54a	Cloud Seeding	2A	206	9418	0	0	0	70,000	0	0
29	Salinas River Channel	2A	206	9421	27,190	6,738	10,000	50,000	0	0
30	Salinas River Mouth	2A	206	9425	60,056	14,883	0	80,000	0	0
31	Reservoir Oper Hydrology & Water Quality Prog.	2A	206	9430	376,810	93,378	48,000	101,150	0	0
33	ALERT Transfer Out	2A	206	9433	0	0	0	0	0	0
56	Ground Water Extraction/Data Collection	2A	206	9458	14,106	26,359	5,000	0	0	118,250
	Sub-Total Operations				1,091,741	281,731	231,000	594,000	0	144,250
16a/26a	Zone 2C Operating Reserve	2	205	9205	0	0	0	0	50,000	0
<b>TOTAL OPERATIONS</b>										
					1,091,741	281,731	231,000	594,000	50,000	144,250
<b>CAMP</b>										
16b	Nacimiento Dam Capital Maintenance	2	205	9208	0	0	0	0	0	0
22b	Nacimiento Dam CAMP	2	205	9271	0	0	0	0	0	0
27	San Antonio Dam Capital Maintenance	2A	206	9415	0	0	0	0	0	0
57	San Antonio Dam CAMP	2A	206	9461	0	0	0	0	0	0
	Sub-Total CAMP Expenses				0	0	0	0	0	0
22b/57	Zone 2C CAMP Reserve	2	205	9205	0	0	0	0	0	0
<b>TOTAL CAMP</b>										
					0	0	0	0	0	0
<b>LEGAL</b>										
17c	Legal Services-Nacimiento	2	205	9212	0	0	0	0	0	0
25a	Legal Services-San Antonio	2A	206	9413	0	0	0	0	0	0
	<b>TOTAL LEGAL</b>				0	0	0	0	0	0
<b>Total ZONE 2C</b>										
					1,091,741	281,731	231,000	594,000	50,000	144,250
										2,392,722

**Notes**

- 1.CAMP funding are not included and will be funded from a separate source.
2. The following costs are not included:
  - Line 17a - Admin Staff total has been reduced by \$6,651
  - Line 55 - Staff total has been reduced by \$92,261
  - Line 17c - Consultant total has been reduced by \$75,000
  - Line 25a - Consultant total has been reduced by \$75,000

These costs will be funded through the Assessment Roll Maintenance.

**Appendix G**  
**Benefit Assessment Summary**

Zone	Acres	Operations \$ 2,390,000	Spillway \$ 470,000	Diversion \$ 750,000	Total Special Assessment	Assessment Roll Maintenance \$ 273,000	Total Assessment per Acre
<b>Upper Valley</b>							
Irrigated Agriculture	99,250						
Residential (1-4 Units)	66,731	\$ 6.47	\$ 1.00	\$ -	\$ 7.47	\$ 0.96	\$ 8.43
Apartments (over 4 Units), Commercial	2,084	\$ 6.47	\$ 1.00	\$ -	\$ 7.47	\$ 0.96	\$ 8.43
Institutional Land	223	\$ 6.47	\$ 1.00	\$ -	\$ 7.47	\$ 0.96	\$ 8.43
Industrial Land	186	\$ 6.47	\$ 1.00	\$ -	\$ 7.47	\$ 0.96	\$ 8.43
Dry Farming, Grazing, and Vacant Lot	607	\$ 6.47	\$ 1.00	\$ -	\$ 7.47	\$ 0.96	\$ 8.43
River Channels and Lands with Frequent Flooding	28,891	\$ 0.65	\$ 0.10	\$ -	\$ 0.75	\$ 0.10	\$ 0.85
Land Receiving No Charge	1	\$ 0.06	\$ 0.01	\$ -	\$ 0.07	\$ 0.01	\$ 0.08
	527	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Extended Upper Valley Above Dam</b>							
Irrigated Agriculture	17,993						
Residential (1-4 Units)	0	\$ 6.72	\$ 1.74	\$ -	\$ 8.46	\$ 0.96	\$ 9.42
Apartments (over 4 Units), Commercial	0	\$ 6.72	\$ 1.74	\$ -	\$ 8.46	\$ 0.96	\$ 9.42
Institutional Land	0	\$ 6.72	\$ 1.74	\$ -	\$ 8.46	\$ 0.96	\$ 9.42
Industrial Land	0	\$ 6.72	\$ 1.74	\$ -	\$ 8.46	\$ 0.96	\$ 9.42
Dry Farming, Grazing, and Vacant Lot	17,993	\$ 0.67	\$ 0.17	\$ -	\$ 0.84	\$ 0.10	\$ 0.94
River Channels and Lands with Frequent Flooding	0	\$ 0.07	\$ 0.02	\$ -	\$ 0.09	\$ 0.01	\$ 0.10
Land Receiving No Charge	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Extended Upper Valley Below Dam</b>							
Irrigated Agriculture	20,795						
Residential (1-4 Units)	1,763	\$ 7.21	\$ 1.22	\$ -	\$ 8.43	\$ 0.96	\$ 9.39
Apartments (over 4 Units), Commercial	61	\$ 7.21	\$ 1.22	\$ -	\$ 8.43	\$ 0.96	\$ 9.39
Institutional Land	3	\$ 7.21	\$ 1.22	\$ -	\$ 8.43	\$ 0.96	\$ 9.39
Industrial Land	0	\$ 7.21	\$ 1.22	\$ -	\$ 8.43	\$ 0.96	\$ 9.39
Dry Farming, Grazing, and Vacant Lot	0	\$ 7.21	\$ 1.22	\$ -	\$ 8.43	\$ 0.96	\$ 9.39
River Channels and Lands with Frequent Flooding	18,947	\$ 0.72	\$ 0.12	\$ -	\$ 0.84	\$ 0.10	\$ 0.94
Land Receiving No Charge	0	\$ 0.07	\$ 0.01	\$ -	\$ 0.08	\$ 0.01	\$ 0.09
	21	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Forebay</b>							
Irrigated Agriculture	60,279						
Residential (1-4 Units)	44,530	\$ 6.72	\$ 1.09	\$ -	\$ 7.81	\$ 0.96	\$ 8.77
Apartments (over 4 Units), Commercial	1,404	\$ 6.72	\$ 1.09	\$ -	\$ 7.81	\$ 0.96	\$ 8.77
Institutional Land	354	\$ 6.72	\$ 1.09	\$ -	\$ 7.81	\$ 0.96	\$ 8.77
Industrial Land	86	\$ 6.72	\$ 1.09	\$ -	\$ 7.81	\$ 0.96	\$ 8.77
Dry Farming, Grazing, and Vacant Lot	697	\$ 6.72	\$ 1.09	\$ -	\$ 7.81	\$ 0.96	\$ 8.77
River Channels and Lands with Frequent Flooding	13,047	\$ 0.67	\$ 0.11	\$ -	\$ 0.78	\$ 0.10	\$ 0.88
Land Receiving No Charge	2	\$ 0.07	\$ 0.01	\$ -	\$ 0.08	\$ 0.01	\$ 0.09
	159	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



**Appendix G**  
**Benefit Assessment Summary**

Zone	Acres	Operations \$ 2,390,000	Spillway \$ 470,000	Diversion \$ 750,000	Total Special Assessment	Assessment Roll Maintenance \$ 273,000	Total Assessment per Acre
<b>Pressure</b>	<b>113,968</b>						
Irrigated Agriculture							
Residential (1-4 Units)	56,328	\$ 14.18	\$ 2.74	\$ 6.05	\$ 22.97	\$ 0.96	\$ 23.93
Apartment (over 4 Units), Commercial	5,475	\$ 14.18	\$ 2.74	\$ 6.05	\$ 22.97	\$ 0.96	\$ 23.93
Institutional Land	1,709	\$ 14.18	\$ 2.74	\$ 6.05	\$ 22.97	\$ 0.96	\$ 23.93
Industrial Land	589	\$ 14.18	\$ 2.74	\$ 6.05	\$ 22.97	\$ 0.96	\$ 23.93
Dry Farming, Grazing, and Vacant Lot	2,597	\$ 14.18	\$ 2.74	\$ 6.05	\$ 22.97	\$ 0.96	\$ 23.93
River Channels and Lands with Frequent Flooding	46,772	\$ 1.42	\$ 0.27	\$ 0.61	\$ 2.30	\$ 0.10	\$ 2.40
Land Receiving No Charge	44	\$ 0.14	\$ 0.03	\$ 0.06	\$ 0.23	\$ 0.01	\$ 0.24
<b>East Side</b>	<b>454</b>						
Irrigated Agriculture							
Residential (1-4 Units)	86,281	\$ 7.71	\$ 2.09	\$ 5.04	\$ 14.84	\$ 0.96	\$ 15.80
Apartment (over 4 Units), Commercial	40,357	\$ 7.71	\$ 2.09	\$ 5.04	\$ 14.84	\$ 0.96	\$ 15.80
Institutional Land	17,195	\$ 7.71	\$ 2.09	\$ 5.04	\$ 14.84	\$ 0.96	\$ 15.80
Industrial Land	1,365	\$ 7.71	\$ 2.09	\$ 5.04	\$ 14.84	\$ 0.96	\$ 15.80
Dry Farming, Grazing, and Vacant Lot	203	\$ 7.71	\$ 2.09	\$ 5.04	\$ 14.84	\$ 0.96	\$ 15.80
River Channels and Lands with Frequent Flooding	1,377	\$ 7.71	\$ 2.09	\$ 5.04	\$ 14.84	\$ 0.96	\$ 15.80
Land Receiving No Charge	25,305	\$ 0.77	\$ 0.21	\$ 0.50	\$ 1.48	\$ 0.10	\$ 1.58
<b>Arroyo Seco</b>	<b>111</b>						
Irrigated Agriculture							
Residential (1-4 Units)	368	\$ 0.08	\$ 0.02	\$ 0.05	\$ 0.15	\$ 0.01	\$ 0.16
Apartment (over 4 Units), Commercial	26,220	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Institutional Land	21,758	\$ 2.49	\$ 0.43	\$ -	\$ 2.92	\$ 0.96	\$ 3.88
Industrial Land	362	\$ 2.49	\$ 0.43	\$ -	\$ 2.92	\$ 0.96	\$ 3.88
Dry Farming, Grazing, and Vacant Lot	256	\$ 2.49	\$ 0.43	\$ -	\$ 2.92	\$ 0.96	\$ 3.88
River Channels and Lands with Frequent Flooding	33	\$ 2.49	\$ 0.43	\$ -	\$ 2.92	\$ 0.96	\$ 3.88
Land Receiving No Charge	30	\$ 2.49	\$ 0.43	\$ -	\$ 2.92	\$ 0.96	\$ 3.88
	3,772	\$ 0.25	\$ 0.04	\$ -	\$ 0.29	\$ 0.10	\$ 0.39
	0	\$ 0.02	\$ -	\$ -	\$ 0.02	\$ 0.01	\$ 0.03
	.9	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**Notes**

1. This table is a summary of cost allocation for the Salinas Valley Water Project. A detailed description regarding the development of the costs will be included in the Engineer's Report.

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File No. 6450.05

January 29, 2018

## Via Hand Delivery

Monterey County Water Resources Agency  
Board of Directors

Re: Comments to Scheduled Matter No. 7, *Consider Amending the Nacimiento Dam Operations Policy* - January 29, 2018 Monterey County Water Resources Agency Board of Directors Meeting

Honorable Board:

This firm represents Salinas Valley Water Coalition ("Coalition"), and this letter is to comment on Scheduled Matter No. 7, *Consider Amending the Nacimiento Dam Operations Policy* ("Res Ops Manual"), on the agenda for the January 29, 2018 Monterey County Water Resources Agency ("Agency") Board of Directors meeting. The Coalition has submitted written comments to the Res Ops Manual throughout the Agency process, starting from the subcommittee of the Reservoir Operations Advisory Committee to today. Yet, most of the substantive comments raised by the Coalition have been largely ignored.

At the outset, the Coalition would like to make clear that the rule curve and other flow regime approved as part of the Salinas Valley Water Project ("SVWP") did not change due to the flow prescription developed to preserve steelhead habitat ("Flow Prescription")<sup>1</sup>, which was incorporated into the NFMS's Biological Opinion. To put it another way, the flows of the flow prescription were expected to supplement the flows of the SVWP flow regime in order to provide sufficient fishery flows for habitat protection. The primary differences between the flow

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<sup>1</sup> The Agency also fails to acknowledge that the Flow Prescription relies on the Agency bypassing natural reservoir inflows and augmenting the flows to preserve steelhead while also providing natural flow for prior downstream riparian and overlying water right holders.

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regime of the SVWP and the flow prescription in the Biological Opinion include the change in minimum fishery flow from 25 cfs to 60 cfs and other minimum fishery flows set for certain discrete actions for the SVWP. The underlying SVWP flow regime must be incorporated in the Res Ops Manual and implemented in order (1) to implement the SVWP as approved by (and promised to) the landowners/voters; (2) for the Agency to be protected under the Incidental Take Permit and to be consistent with the Biological Opinion; and (3) to protect and avoid harm to senior downstream water rights. The underlying SVWP flow regime and its consideration in the flow prescription were recently confirmed by the modelers who used the SVIGSM to develop both the SVWP flow regime and the Flow Prescription.

Even though the Agency characterizes the Res Ops Manual as "policy", the Res Ops Manual would translate to physical operations of the reservoirs; thus, it is considered a project under the California Environmental Quality Act ("CEQA"). Under Pub Res C §21065 and 14 Cal Code Regs §15378(a), the term "project" includes an activity directly undertaken by a public agency or carried out by a public agency *from adoption of policies*. Because it is clear that the Res Ops Manual would be used as a reference document to operate the reservoirs, the Res Ops Manual is a project subject to CEQA. As currently drafted, the Res Ops Manual changes the flow regime of the approved SVWP, which could result in potentially significant impacts. Thus, the Res Ops Manual requires environmental review under CEQA.

The primary failure of the Res Ops Manual is the exclusion of the reoperation component of the SVWP, which includes an additional capture of 29,000 acre-feet due to the modification of the Nacimiento Dam spillway and implemented through the rule curve. This reoperation activity was evaluated as part of the Agency's consultation with the NMFS that led to the development of the Flow Prescription which was incorporated into the NMFS's Biological Opinion. That is, the flow regime of the SVWP was anticipated to supplement the Flow Prescription to ensure adequate fishery flows for habitat protection. The Agency is not protected under the Incidental Take Permit if it operates strictly to the Flow Prescription without implementing the underlying SVWP flow regime which provides supplemental flows. Simply put, including the Flow Prescription, which was developed specifically for the SVWP, in the Res Ops Manual, but disregarding this essential component of the SVWP in the Ops Manual is nonsensical.

The Board Report for Scheduled Matter No. 7 states, "Rather than addressing this subject [the SVWP Engineer's Report] in this Policy, a detailed description of releases will be part of a report to be prepared annually as stated in the Policy." The same Board Report includes the following statement: "Beginning in 2010, significant changes in reservoir operations have been implemented as a result of the construction of the Salinas Valley Water Project...."<sup>2</sup> In essence, the Board Report is saying that even though significant changes in

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<sup>2</sup> This statement is incorrect. The Agency's implementation of the SVWP has been arbitrary and no longer represents proportional special benefits conferred on the parcels within Zone 2C; yet, the Agency continues to mispresent and invalidly collect the assessments for the SVWP.

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reservoir operations resulted from the SVWP, the Res Ops Manual will not include the significant changes but rather leave that decision ad hoc and arbitrary. That simply does not make sense.

The appropriate flow regime for the reoperation of the Nacimiento Reservoir and its combined operation with the San Antonio Reservoir for the purposes of recharging the Basin and diverting water to the Salinas River Diversion Facility ("SRDF") to provide sustainable water supply to year 2030 and to halt seawater intrusion, respectively, was determined through simulation runs using the SVIGSM. According to the modelers of the SVIGSM, the SVIGSM simulation runs that resulted in the conclusion in the SVWP EIR/EIS that sustainable water supply would be available to year 2030 and sea water intrusion would be halted included the following components of the SVWP: (1) the additional capture of 29,000 acre-feet in the Nacimiento Reservoir due to the modification of the spillway; (2) a rule curve (Exhibit A) which shows the timing of water capture and release (i.e., reoperation of the reservoirs); and (3) certain targets ("Targets") to mimic historic natural flows (e.g., 40 cfs at Chular) based on historical data from 1949 through 1994<sup>3</sup>. These are essential operations of the reservoirs that must be included in the Res Ops Manual.

Also according to the modelers of the SVIGSM, even the simulation runs used to develop the Flow Prescription included all three elements -- the capture of the additional 29,000 acre-feet in Nacimiento Reservoir, the rule curve and the Targets. Thus, these three elements are essential operational flow regime for the SVWP, which must be included in the Res Ops Manual. The Agency's staff position that they must only operate to the Flow Prescription is clearly erroneous since the model runs used to develop the Flow Prescription included these Baseline Parameters.

It is important to point out the SVIGSM with these Baseline Parameters of the SVWP were used to conclude less than significant impacts to water supply and seawater intrusion in the Monterey County 2010 General Plan EIR. More recently, updated version of the SVIGSM, with these Baseline Parameters, has also been used for environmental review of other projects including the recent Cal-Am desal project. Please see the flowchart of the use of the SVIGSM (with the Baseline Parameters) included as Exhibit B.

Because these Baseline Parameters of the SVWP are essential to assure less than significant impacts to seawater intrusion and water supply, as documented in the 1995 SVWP EIR/EIS, 2007 SVWP EIR/EIS Addendum and Monterey County 2010 General Plan, if the Agency changes the operational flow regime of the SVWP by leaving the decisions to Agency staff to operate in an ad hoc and arbitrary manner, then sea water intrusion will continue to advance and water supply may not be available to 2030. Sea water intrusion impact is of

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<sup>3</sup> The simulations used historical data from 1949 through 1994, which incorporated all year types, including multiple dry years



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particular concern due to the downsizing of the SRDF<sup>4</sup>, which impacts were not modelled using the SVIGSM.

### Water Rights

The Board Report for this item states, "In compliance with the Agency water rights, operations described in the Policy include the capture of water belonging to the Agency and releases of this water for permitted beneficial use." This statement is inaccurate. Without incorporating and implementing the Baseline Parameters<sup>5</sup> in the Res Ops Manual, the Agency affects the availability of water for downstream water users and thus, harms riparian and overlying water rights.

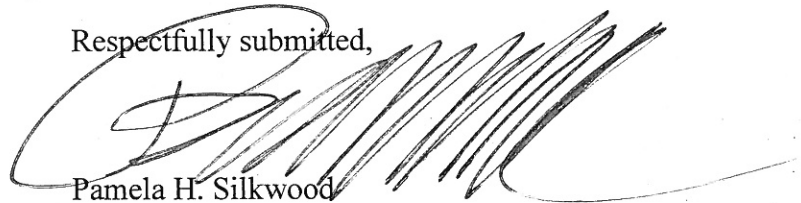
As stated previously, the Baseline Parameters of the SVWP must be incorporated in the Res Ops Manual to avoid harm to riparian and overlying water rights.

### Zone 2C Assessment

The operational flow regime of the SVWP, including the Baseline Parameters, reflected in the SVIGSM simulation run for the SVWP is what was approved by (and promised to) the landowners/voters. Accordingly, the Agency must include and implement the Baseline Parameters in the Res Ops Manual. Otherwise, the Agency continues to misrepresent and invalidly collect assessments for the SVWP even though the assessments imposed on Zone 2C landowners no longer represent proportional special benefit conferred on those parcels.

In conclusion, the Coalition requests that your Board not adopt the Res Ops Manual until it has been revised to include the Baseline Parameters of the SVWP.

Respectfully submitted,



Pamela H. Silkwood

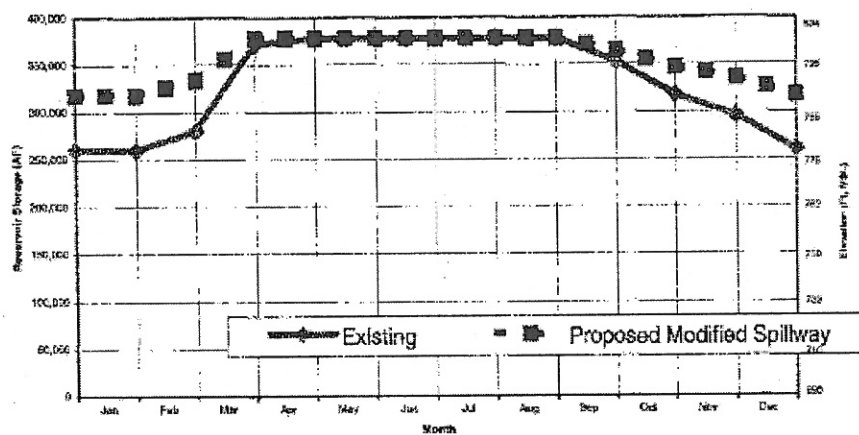
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<sup>4</sup> The Agency significantly downsized the SVWP by relocating the diversion facility; reducing the size of the pump in its pump station from 85 cfs to 36 cfs (and operating the pump at 21 cfs); limiting the distribution system for surface water deliveries to the existing CSIP area only (rather than expanding the CSIP area as originally proposed); and modifying the method of water delivery by delivering the diverted water to an 80-acre pond owned by Monterey Regional Pollution Control Authority instead of directly delivering water to the CSIP distribution system as originally described in the SVWP EIR/EIS and Engineer's Report.

<sup>5</sup> For example, the Targets, which are intended to mimic historic natural flows to protect downstream water rights, must be included in the Res Ops Manual.

## Exhibit A

### Rule Curve



Source: MCWRA, 1997

Figure 5.3-4: Existing and Proposed Flood Control Space Requirements for Nacimiento Reservoir



## Exhibit B

### SVIGSM

#### *Modeling Consultant*

