

## **California State Lands Commission**

**Subject: Public Comment: Pull Consent Agenda Item 66, California American Water A3857 and Move to Regular Action Agenda**

**As citizens we have both the responsibility and the right to protect and defend our water supply and natural resources not only for ourselves, but for future generations. Likewise, in their wisdom, our representative leaders supported our rights in codified laws such as the California Constitution and the Sustainable Groundwater Management Act, or SGMA, that ensure our water supply and threatened sensitive habitat areas (ESHA) are treated with respect and reverence. California American Water Company, (CalAm), is not abiding by these protective legal instruments. For instance, its test slant well wastes aquifer water that Article X of our State Constitution requires be put to beneficial use only, while SGMA mandates restoration and preservation of our aquifers, with a focus on curing and eliminating long-standing seawater intrusion, that the CEMEX CalAm slant well exacerbates. The Salinas Valley Groundwater Basin is on the California Critically Over-drafted Groundwater Basin List, yet CalAm callously and illegally installed its slant well in Marina's sole water supply aquifers, having had no water rights or required permits to those aquifers. CalAm deceitfully claims it is, and will be, taking**

**ocean water, which is totally untrue. Monterey County Superior Court denied CalAm a permit based on a lack of project source water; the City of Marina also denied CalAm a permit. Sea level rise impacts these aquifers as lowering groundwater levels by over-pumping puts aquifers at additional seawater intrusion risk. CalAm has been violating these protective laws with impunity, putting a deaf ear to all our efforts to stop its relentless attempts to force an unnecessary and unwanted desalination plant on our designated disadvantaged communities. CalAm recklessly disregards environmental justice policies that ensure ESHA protective measures are adhered to. CalAm has a decades long history of not only neglecting these laws and policies, but defiantly disrespecting them, creating water shortages and seawater intrusion with its slant well extractions. By dishonoring its agreement to sign the CPUC approved water purchase agreement for the urgently needed Pure Water Monterey Expansion, and limiting Aquifer Storage and Recovery efforts from the excess winter flows of the Carmel River, CalAm works incessantly to force its exorbitant desalination project on our unwilling communities, a result of unabated greed. This current lease renewal application is part of CalAm's strategy to continue to harm us. Please deny this application. Stop CalAm from plundering our natural resources and depleting our city and public agency coffers via continuous litigation required to**

**safeguard our water supply. We are eternally grateful for your support and dedicated service.**

**I'm a 62 year resident here in Marina and I'm 90 years old and on a fixed income we can't afford to have CalAm get our water from our Aquafer, and we have to pay then more for our water to replenish it with what ever it would take. So Please do not give them the permit , PLEASE Say NO**

**God bless You.**

**Very respectfully,**

**Elisabeth M. Billingsley**

**Marina ,CA.**

**From:** [REDACTED]  
**To:** [Kato, Grace@SLC](mailto:Kato_Grace@SLC); [Bugsch, Brian@SLC](mailto:Bugsch_Brian@SLC); [Lunetta, Kim@SLC](mailto:Lunetta_Kim@SLC)  
**Subject:** Public Comment and Governor Letter for SLC Meeting of Feb 28, 2023, plus request to move Consent Item 66 to Regular Action Agenda  
**Date:** Wednesday, February 22, 2023 3:07:28 PM  
**Attachments:** [State Lands Commission Public Comment 3, Feb 28 2923.docx](#)  
[Revised Coppernoll - Governor Gavin Newsom Letter, Feb 18,2023\\_000128.pdf](#)

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Good Afternoon,

Thank you so much for your outstanding support and assistance. I am so very grateful to you Grace and Kim. Your professionalism and cheerful, helpful assistance has made all the difference. Attached please find the Letter to the Governor and Public Comment that you asked me to submit to your attention so you can ensure the Executive Office and Commissioners receive this information as part of the Feb 28,2023 SLC meeting record.

I request that Consent Agenda Item 66, California American Water, A3857 be moved to the Regular Action Agenda. The reason for this request is that this agenda item is controversial and has grave consequences for our communities. Granting a renewed lease permit to CalAm would exert untold continued harm on our communities that have experienced decades of miserable experiences under CalAm practices, thus the reason for the request for relief from the SLC. The Letter to Governor Newsom outlines a summary of some of these issues. The slant well installed at the CEMEX property, the location of the application lease renewal, if approved, will continue to extract valuable groundwater from our already stressed aquifers, will add to the already excessively burdensome financial stress ratepayers have been experiencing, while continuing the angst this lease has created for the citizens of Marina and its neighbors who depend on SVGB aquifer integrity. This CalAm desalination plant, of which this slant well is a preliminary trial, is infeasible and has many impossible obstacles to overcome, probably will never overcome. The CalAm EIR clearly stipulated that this project cannot proceed if it cannot prove it has source water for the project. If it cannot prove such, then the slant well must be deconstructed and the project declared infeasible. That is the state of the situation with no water source in sight or any future location for the project once its coastal well fields are overwhelmed by sea level rise and projected erosion, making the project a colossal waste of ratepayer funds invested in an exorbitantly expensive infrastructure, not to mention the enormous damage to ESHA, especially the Western Snowy Plover's nesting areas, coastal beaches marred and recreational access impaired.

Please let the Commissioners know that this project has been very controversial for many years, and has now reached a point of serious harm to all our communities. Cities and public water agencies have had to hazard serious financial expense on litigation to save our water, making necessary city expenditures a real hardship for all. Please place this item on the Regular Action Agenda and vote to deny this undeserving lease renewal application. Thank you so very much for your kindness and stellar performance of duty. God bless you.  
Margaret-Anne Coppernoll

## California State Lands Commission

Subject: Public Comment: Pull Consent Agenda Item 66, California American Water A3857 and Move to Regular Action Agenda

As citizens we have both the responsibility and the right to protect and defend our water supply and natural resources not only for ourselves, but for future generations. Likewise, in their wisdom, our representative leaders supported our rights in codified laws such as the California Constitution and the Sustainable Groundwater Management Act, or SGMA, that ensure our water supply and threatened sensitive habitat areas (ESHA) are treated with respect and reverence. California American Water Company, (CalAm), is not abiding by these protective legal instruments. For instance, its test slant well wastes aquifer water that Article X of our State Constitution requires be put to beneficial use only, while SGMA mandates restoration and preservation of our aquifers, with a focus on curing and eliminating long-standing seawater intrusion, that the CEMEX CalAm slant well exacerbates. The Salinas Valley Groundwater Basin is on the California Critically Over-drafted Groundwater Basin List, yet CalAm callously and illegally installed its slant well in Marina's sole water supply aquifers, having had no water rights or required permits to those aquifers. CalAm deceitfully claims it is, and will be, taking ocean water, which is totally untrue. Monterey County Superior Court denied CalAm a permit based on a lack of project source water; the City of Marina also denied CalAm a permit. Sea level rise impacts these aquifers as lowering groundwater levels by over-pumping puts aquifers at additional seawater intrusion risk. CalAm has been violating these protective laws with impunity, putting a deaf ear to all our efforts to stop its relentless attempts to

force an unnecessary and unwanted desalination plant on our designated disadvantaged communities. CalAm recklessly disregards environmental justice policies that ensure ESHA protective measures are adhered to. CalAm has a decades long history of not only neglecting these laws and policies, but defiantly disrespecting them, creating water shortages and seawater intrusion with its slant well extractions. By dishonoring its agreement to sign a water purchase agreement and sabotaging Pure Water Monterey Recycled water project's Aquifer Storage and Recovery process and rain water capture efforts, CalAm works incessantly to force its exorbitant desalination project on our unwilling communities, a result of unabated greed. This current lease renewal application is part of CalAm's strategy to continue to harm us. Please deny this application. Stop CalAm from plundering our natural resources and depleting our city and public agency coffers via continuous litigation required to safeguard our water supply. We are eternally grateful for your support and dedicated service. God bless you.

Very respectfully,

Margaret-Anne Coppernoll, Ph.D.

Marina

February 18, 2023

Governor Gavin Newsom  
Office of the Governor  
1021 O Street, Suite 9000  
Sacramento, California 95814

Dear Governor Newsom,

As a California long-term resident of Monterey County, I send this letter as an expression of my concerns about certain conflicting and contradictory actions being undertaken at the top leadership level of our state. Please allow me to list them here so that you can better understand the point of view from a different angle -that of an ordinary citizen and loyal patriotic adherent to the United States Constitution to which I twice took the Oath of Office both as a military officer and a two-term elected public official. In other words, I take leadership responsibility very seriously with a focus on the importance of a virtuous moral compass as the guiding light for action.

**Here is the List of Mandates issued under governorship command:**

1. **A mandate to recycle all possible water resources to potable standards** to shore up water supply as drought-proof insurance and aquifer protection. Under this mandate, Monterey One Water (M1W), Monterey Peninsula Water Management District (MPWMD), and Marina Coast Water District (MCWD) developed a recycled water project that has been operational for the past two and a half years. This project provided the miracle water supply that saved California American Water Company (CalAm) from severely punishing penalties for continuing its illegal over pumping of the Carmel River, for which it received several iterations of a Cease-and-Desist Order from the State Water Resources Control Board that had ordered CalAm to develop an alternate water supply which it failed to do for decades. It was these three public water agencies that produced this water supply alternative, saving the Carmel River and all that entailed, such as protecting steelhead trout and other adversely impacted ESHA. This Pure Water Monterey (PWM) recycled water project received a national award and was acclaimed as the role model for others to emulate.
2. **A mandate titled Sustainable Groundwater Management Act (SGMA)** requires restoration of aquifers to sustainable groundwater levels within a twenty-year window. The Salinas Valley Groundwater Basin (SVGB) is on the California Critically Over-drafted Groundwater Basin List; thus, it falls squarely under this mandate. After having illegally over pumped the Seaside Basin to the point of court adjudication, CalAm then illegally installed a test slant well in the SVGB aquifers, namely the 180/400 Foot Aquifers that are under SGMA mandate. The test slant well also extracts fresh aquifer water from

the two Dune Sands Aquifers that lie above the 180/400 Foot Aquifers. Without any water rights to these aquifers, CalAm proposed a desalination plant that will daily extract massive amounts of groundwater that will significantly diminish groundwater levels, causing even more seawater intrusion than that which currently exists, being the cause for SGMA in the first place. It is adversely consequential that the CPUC, throughout its CalAm Proceedings, failed to acknowledge the CalAm FEIR firm stipulation that the CalAm desalination plant cannot proceed unless it can confirm source water rights. Otherwise, the project will be deemed infeasible and its slant well deconstructed. To date, this critical requirement has been tragically ignored, causing millions of lost taxpayer and ratepayer dollars in multiple litigation efforts to save our water supply.

- 3. Mandate to provide affordable workforce housing.** An insightful article by Dr. Ron Weitzman, President of the Water Ratepayers Association of the Monterey Peninsula IWRAMP), published in the Herald (enclosed), delineates the history and reasons affordable housing has not materialized. Primarily, this housing is directly related to the exorbitant cost of water that impedes this required affordable housing. The Monterey Peninsula has the highest water rates in the nation for its size. The unfair tier system CalAm established to favor businesses and the hospitality industry, that keeps their rates low no matter the usage, unfairly puts residents in financial turmoil as they struggle under the tier with high rates that have just increased by 11%. CalAm reaps millions in profits each year while failing to develop reasonable alternate water supplies. In fact, years ago, CalAm infamously abruptly withdrew from a permitted regional water project because it did not like the fact that a federal grant would cover a large portion of infrastructure costs. Instead, within a very short time, CalAm suddenly proposed its desalination plant project and installed its slant well and monitoring system without a permit or water rights in the SVGB aquifers in Marina, already heavily seawater intruded. As the attached article reveals, affordable housing has been hindered by the rising cost of water and concomitant rise in rents and mortgages and taxes. As per its evolving modus operandi demonstrates, CalAm wanted all the profits for itself, plus it wants to replace Marina Coast Water District, Marina's public water agency, as well as create so much seawater intrusion that the only solution would be its desalination plant, obviously an unforgivable assault on our God-given water supply in addition to defiant violation of SGMA. CalAm has its sights on future development in Marina, a potential new gold mine for CalAm. Unfortunately, CalAm's incessant efforts to continue unlawfully taking Marina's sole potable water supply, and putting that supply at great risk, has already cost the City of Marina \$8 million in litigation fees, with the MCWD cost in the high million-dollar range as well, both striving for years to safeguard Marina's water supply. Obviously, this situation is unfair to the citizens whose tax dollars are being consumed by these painful efforts to stop CalAm, thus diverting funds desperately needed for city critical personnel and equipment (police



and fire), blight and munitions removal from Fort Ord days, improvement to now aging city facilities in need of repairs/remodeling, etc. These continual multiple litigation court cases drain involved cities and public water agencies coffers, while citizens suffer necessary increased water rates. This despairing and relentless saga, lasting more than a decade now, causes citizens' well-founded outcries for justice! While our cities become increasingly impoverished as the cost-of-living soars, CalAm reaps each year more and more millions in profits, charging all their expenses to ratepayers, to include charges for water they did not use due to their effective water conservation measures. A 400 % rate increase since 2007 for high-tier residents is unconscionable! Remediation and compassion are in order!

4. Most recently, a **mandate to provide desalination plants state-wide**. The California Coastal Commission (CCC) reversed course to override its own environmental justice and coastal plan policies to comply with this mandate. While it had previously twice denied the CalAm desalination plant project based on its own established policies, it had to defy resident input to the point of even denying public comment in order to comply with the political pressure brought to bear with a governor appointed public official who took a seat along with the commissioners to ensure compliance in voting in favor of the seriously flawed CalAm desalination project, despite having twice denied the CalAm requested Coastal Development Permit. This compliance and approval have had dire consequences. It emboldened CalAm to refuse to sign the CPUC-approved water purchase agreement for the Pure Water Monterey Expansion project that would provide an ample drought-proof water supply for the next thirty years, a fact proved by several professional hydrogeology analyses. CalAm has exerted political pressure in Sacramento to ply its way to approval despite the harm its project will inflict on designated disadvantaged communities, protected ESHA, coastal preservation and recreational public access, and intense community opposition. Deceit, fear-mongering, and cunning maneuvering to gain success are CalAm tools of the trade. It should be noteworthy that CalAm funds used for public outreach, advertising, "charitable" donations, and political campaign contributions are funds provided by the ratepayers, yet these same ratepayers are ignored and unappreciated in their struggle to obtain affordable water rates through recycled water projects that preserve rivers and aquifers and allow restoration of precious ESHA environments – a win-win for all, even CalAm because CalAm is able to stop its over pumping of the Carmel River, avoiding severe financial penalties.

**What is the outcome of these mandates?** In the final analysis, the outcome is disastrous, having created contradictions, conflict, and unlawful, dishonorable conduct as outlined above. The desalination plant mandate emboldened CalAm to refuse signing an approved, legitimate, water purchase agreement that it has been delaying through political subterfuge tactics for several years. In spite of publicly declaring its

support for the PWM Expansion recycled water project, as a way to induce/reinforce CCC approval, it reneged on its prior commitment by refusing to sign the water purchase agreement that would allow construction to begin on the PWM Expansion, producing all the water needed for decades going forward. Additionally, a \$42 million grant for PWM Expansion infrastructure is at risk due to an appropriations deadline that is dependent on the water purchase agreement signing. The CalAm desalination plant has twenty conditions to overcome so that water supply is no where in sight, plus without water rights or permits from required agencies, it is unlikely it will ever materialize. Yet CalAm claimed it will successfully “negotiate” its way around those twenty conditions. Please note that Superior Court of Monterey County denied CalAm a permit based on its lack of source water for its desalination project. SVGB aquifer water, by the State Agency Act, cannot be exported out of this aquifer and transported to the Monterey Peninsula, which is the CalAm intention. Not one drop of CalAm desalination water would go to Marina, while Marina’s sole potable water supply, the SVGB, would be overwhelmingly diminished to irretrievably lowered groundwater levels due to slant well technology that is designed to induce seawater intrusion. SGMA is a blessing because it brings all the affected parties together to develop creative solutions. It is imperative that these upper-level aquifers be restored and preserved as the ancient aquifer, the 900 Foot Aquifer, has an unknown quantity of groundwater. If that aquifer is ruined by over pumping and/or seawater intrusion, crisis is certain to ensue. SGMA is the vehicle to emphasize groundwater preservation to sustainable levels while devising measures to reduce and eliminate the long-standing seawater intrusion challenge. Sea water rise threatens groundwater levels that must remain at certain elevations to avoid seawater entering the aquifers, per the natural boundary between land and sea. CalAm has been, and continues to be the proverbial “fly-in the ointment” as it is blinded by unabashed greed. We need top leadership to support our efforts, not undermine them.

**Conclusions:** To be an inspiring leader and a faithful adherent to the Oath of Office to protect and defend the Constitution of the United States of America, those elected to represent the citizens have to enjoin a moral compass and a desire to act in the public interest, and not in self-interest. Paradoxically, this method works so much better in the long run than the less desirable, but more prevalent one of relying on political campaign contributions as a way to evaluate appointments and project support. It is far more productive, and righteous, to support “We the People” who are the true constitutional bosses. In many instances, the opposite is the real-life case in so many political undertakings. We hope the herein information will provide a sufficient eye-opener to cause reconsideration, especially with regard to the CCC approval of the CalAm Coastal Development Permit. This CCC approval is not only further delaying implementation of an approved recycled water project, but it is limiting our vital Aquifer Storage and Recovery (ASR) project because CalAm is using ASR injection wells for extraction,

limiting full recycled water usage. CalAm's actions have impeded full capture of rain water to be transported to the Seaside Basin for storage and future use. This action has been part of the CalAm strategy to delay approval and progress for the Pure Water Monterey Expansion project that would have been fully operational now had CalAm not worked to impede and delay its implementation. CalAm is deceiving the CCC that it supports the PWM Expansion. No, quite the opposite is born out by CalAm's actions to thwart the water purchase agreement. Recently, CalAm has requested a re-hearing at the CPUC because CalAm is demanding \$20 plus X more millions, which the CPUC had already reviewed and denied because these extra millions are for CalAm's desal and not for the PWM Expansion project. CalAm President Kevin A. Tilden has publicly stated CalAm does not want to lose its leverage for its desal plant by signing the Water Purchase Agreement. Tilden further indicated that CalAm intends to again over pump the adjudicated Seaside Basin if more water is needed, a task easily accomplished because CalAm, as noted above, is using two ASR recycled water injection wells as extraction wells. There we have the ultimate motivation and raison d'être for CalAm's persistent refusal to sign the Water Purchase Agreement. Where is the honor to abide by its contractual agreement? This is an example of how a lack of integrity can sour leadership effectiveness and undermine trust, as two key character traits, honesty and trustworthiness, are prerequisites for and required of a respected leader. CalAm has a track record of doing all it can muster to force its unwanted and unnecessary desalination plant on an unwilling citizenry who cannot afford the extremely unreasonable, exorbitant cost of that desalination plant nor can communities risk the grave environmental injustice and serious harm on many levels that project would inflict on disadvantaged communities. Long ago citizens lost their trust and confidence in CalAm. Tilden has brazenly declared CalAm will not honor its water purchase agreement, holding out for additional millions it hopes to collect from already financially strained ratepayers, and prolonging the angst since interested parties are on the edge of their seats waiting for a CPUC decision on CalAm's re-hearing request. In fact, the Governor's desal plant mandate solidified CalAm's assumed assured success, as witnessed by the shocking CCC turnabout in supporting CalAm's infeasible project. This should concern us all.

**Motivations and intentions matter.** Once a college roommate asked why I worked so hard to get good grades. I replied that I was studying diligently because I wanted to learn the material. If I did that, I should earn a good grade. I was not working for grades, but came to college to learn as much as possible. Getting just a C grade, as she had suggested I strive for, would prove I had not sufficiently learned the material, making tuition a waste of money. This principle has been guiding me ever since. Do right by those you serve, and rewards will come. Actually, service to others is in and of itself an honor and a reward. Only working for profit instead of working to do the best job ever for those under one's tutelage, will produce a different outcome in quality and

accomplishment. I provide this aside as an example of the difference an attitude can make. Many of us are sorely disappointed by the less than desired results we experience when our representatives fail to embrace righteous motives with concomitant actions. We need and want our leaders to be upright with the public good in mind when making decisions. That takes courage, discipline, and back-bone, but we expect no less of those we support to represent our interests and listen to our input.

Thank you for your consideration in this matter. I respectfully request a thorough analysis of these mandates and their outcomes to date. Hopefully, there will be appreciation for the citizens and their plight and their long-suffering for decades in the struggle to attain an affordable water supply and environmental justice.

As Dr. Ron Weitzman points out in the enclosed Monterey Herald letter, "Water Rates", this unfair CalAm water-pricing situation is responsible for residents' water rates increasing by over 400 percent since 2007! CalAm's desal would raise water bills by another 60% to 70%. The expansion of Pure Water Monterey is much more affordable. All that is required to solve the Peninsula's current water shortage is CalAm's signature on the Water Purchase Agreement, but CalAm is refusing to sign and is now blaming the CPUC for not writing them a blank check.

Our public water agencies deserve recognition for the stellar jobs they are doing to ensure citizens have a solid future drought-proof potable water supply due to their creative recycled water project and proposed expansion. These agencies are indeed the heroes in this journey to provide the only viable water solutions now available to make affordable workforce housing a reality and to relieve pressure off the Seaside Basin and Carmel River and surrounding ESHA. Our communities need our state leaders to support the Pure Water Monterey Expansion recycled water project so affordable housing and aquifer protection can become a sound reality.

I pray God blesses you and your staff that your endeavors will be fruitful and inspirational.

Very respectfully,

  
Margaret-Anne Coppernoll, Ph.D.

  
Marina, California 

Email: 

Enclosure: As stated

Copies Furnished:

Dr. Ron Weitzman, President, WRAMP

David Stoldt, General Manager, MPWMD

Paul Sciuto, General Manager, M1W

Remleh Scherzinger, General Manager, MCWD

Layne Long, General Manager, City of Marina

California Public Utilities Commission, Public Advisor's Office

(CPUC Proceeding A21-11-024)

<https://www.montereyherald.com/2023/02/09/letters-to-the-editor-feb-10-2023/>

## Letters to the editor: Feb. 10, 2023

### Water Rates

Why do local residential ratepayers want Cal Am to go? That's an easy question if there ever was one. For Carmel River and other water — for which Cal Am pays nothing while taking much of it illegally — the company has been increasing its charge per acre-foot to all local ratepayers from \$2,382 in 2007 to \$8,539 in 2022, almost a fourfold increase. Even that is not enough for the company, which is now holding ratepayers hostage for additional money before it will sign a water-purchase agreement it had made with local public agencies for recycled water that otherwise, without that additional money, would cost ratepayers no more than \$3,000 per acre-foot.

All the while, our usage has been going down: from 12,917 acre-feet per year in 2007 to 8,614 in 2022. Evidently, what Cal Am has been trying to do is to drive our total water usage down to legal Carmel River levels by increasing the unit cost of water to residential ratepayers while maintaining and even increasing its 2007 profits.

Why do local hotels and restaurants not share residential ratepayers' concerns? That also is an easy question to answer. Years ago, the local hospitality

industry made a deal with Cal Am to keep its water rates constant regardless of its amount of usage. The 2022 rate for businesses that use state-of-the-art water-efficiency practices, like low-flush toilets, is \$6,182 per acre-foot, regardless of how much water they use. That is about 72 percent of what they and residential ratepayers now are paying together.

That means residential ratepayers alone are now paying even more than \$8,539 per acre-foot. According to economists, water should cost a household no more than four percent of its annual income. An average household, which uses about a half acre-foot of water per year, would have to have an annual income of over \$107,000 to meet the four-percent standard!

The prospect of affordable housing on the Monterey Peninsula looks anything but bright with Cal Am at the helm of our local water supply.

— Ron Weitzman, president of the Water Ratepayers Association of the Monterey Peninsula

February 26, 2023

State Lands Commission

Dear Honorable Commissioners and Staff,

Re: Public Comment on Consent Agenda item 66, CalAm A3857

I respectfully request that item 66, CalAm A3857, be pulled from the consent agenda and placed on the regular agenda. CalAm A3857 has massive implications for the Monterey Bay National Marine Sanctuary and should be denied.

Cal Am's pumping of the Salinas Valley Groundwater Basin represents an existential threat to the Monterey Bay National Marine Sanctuary, including marine life, the fisheries industry, and restaurant economy.

In fact, whole industries are at risk of extinction. Why? Because the slant-wells' desalination will produce corrosive brine that will only intermittently be diluted in the outfall pipe because M1W wastewater only flows part time, whereas the brine outfall will be continuous. Brine by gravity's pull will sink down to the Monterey Bay canyon sea floor where squid and other marine creatures lay their eggs in the sand. These eggs cannot survive in a brine environment.

Additionally, the depleted freshwater aquifer will not be able to provide the fresh water that normally seeps down to the canyon sea floor to sustain these marine nesting areas. With no fresh water and a heavy brine environment, this marine life will die off, causing dependent industries, like fisheries and restaurants, to suffer severe adverse economic impacts.

The lease renewal would allow Calam's slant well to continue aquifer extractions as well as be an incentive to persuade permit agencies to approve its proposed desalination plant, which will create another environmental justice threat to disadvantaged communities that are already overburdened with industrial operations, plus the cost of

Former Fort Ord munitions and asbestos-laden barracks removal. It is perverse to replace the sand-mining operation with an even more harmful and invasive industry.

Please end CalAm's rapacious conduct that will harm the Monterey Bay National Marine Sanctuary, severely damage our fisheries, and destroy our regional water supply.

Very respectfully,

s//Margaret-Anne Coppernoll  
Margaret-Anne Coppernoll, Ph.D.  
Marina



**From:** [REDACTED]  
**To:** [Simpkin\\_Drew@SLC](mailto:Simpkin_Drew@SLC)  
**Subject:** Re: California American Water Company Application A3857  
**Date:** Monday, November 21, 2022 4:19:19 PM  
**Attachments:** [image001.png](#)

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Thank you so very much, Drew - may I address you by your first name? I am concerned because the slant well extracts aquifer water from the fresh groundwater Dune Sand Aquifer and the 180 FT Aquifer. The water is not put to beneficial use, per my understanding, which is a violation of the California constitution, Art. X, sec.2. Of course all the other related concerns also exist and should not be allowed for another two years, which is their prelude to the additional slant wells.

I am so grateful that you have provided the link to sign up for information, etc. I want to wish you and your family a Happy Thanksgiving. We are fortunate to have you on the commission. Blessings, margaret-anne

-----Original Message-----

**From:** Simpkin, Drew@SLC <Drew.Simpkin@slc.ca.gov>  
**To:** [REDACTED]  
**Sent:** Mon, Nov 21, 2022 4:02 pm  
**Subject:** RE: California American Water Company Application A3857

Ms. Coppernoll,

The application submitted by Cal Am seeks to amend the lease term for the test slant well an additional two years. Cal Am is not requesting or authorized to use the well to extract water for the MPWSP.

We have not received an application for the construction of additional slant wells.

If you have not already, I would recommend you join the Commission Meeting Notices e-list to receive general announcements and Commission meeting updates. Sign up via the [Commission's website](#). The proposed lease amendment has not been scheduled for consideration by the Commission, but it may be heard in early 2023. Once it is scheduled for a Commission public meeting, you can provide comments in writing, email or provide public comment during the meeting (in person or via Zoom).

Thank you,  
Drew



**Drew Simpkin**, Public Land Management Specialist  
**CALIFORNIA STATE LANDS COMMISSION**  
Land Management Division  
100 Howe Avenue, Suite 100-South | Sacramento | CA 95825  
Phone: 916.574.2275 | Email: [drew.simpkin@slc.ca.gov](mailto:drew.simpkin@slc.ca.gov)

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**From:** [REDACTED] >  
**Sent:** Monday, November 21, 2022 1:53 PM  
**To:** Simpkin, Drew@SLC <Drew.Simpkin@slc.ca.gov>  
**Subject:** California American Water Company Application A3857

**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear Mr. Simpkin,

Thank you so much for facilitating my records act request pertaining to California American Water Company's application # A3857. I would like to register my strong opposition to renewal of this application due to the harm it causes to the Salinas Valley Groundwater Basin aquifers that supply water to the City of Marina, whose ESHA is adversely impacted as well.

An independent hydro-geologist performed an analysis of the slant well technology involved in the California

American Water (CalAm) Company's desalination project and learned that the design of this slant well technology induces seawater intrusion. The Salinas Valley Groundwater Basin is on the California Critically Over Drafted Groundwater Basin List and cannot sustain further seawater intrusion or other adverse activity. Like the Carmel River, the Salinas River is home to threatened steel head trout and other species. The City of Marina has already lost eight million dollars attempting to protect its potable water supply from CalAm's illegal invasion of its water supply. Monterey Bay marine sanctuary sea life will be seriously harmed too if this project is allowed to continue.

There is overwhelming opposition to this particular desalination project due to its location, exorbitant cost, and the fact that it is not needed right now. The Monterey Peninsula has more than sufficient water to meet its needs for the next thirty years, to include water security for drought years, new affordable housing hookups for the workforce that supports hospitality, agriculture, businesses, military missions, etc. Meticulous, professional studies have confirmed this information.

The Monterey Peninsula Water Management District would not have committed to a guaranteed-contractual agreement to provide the quality and quantity of water needed going forward had it not conducted all the requisite and more studies to ensure accuracy of data and research findings. It is thanks to the Monterey One Water, Monterey Peninsula Water Management District and the Marina Coast Water District, collaborating to develop the award-winning, nationally acclaimed role model and state-of-the-art recycled water project that is responsible for allowing the State Water Resources Control Board's Cease and Desist Order, placed on CalAm for illegally over-pumping the Carmel River, to be lifted. CalAm never fulfilled its mandate to develop alternative water supplies. Instead it kept over-pumping, causing much community distress.

Please inform me as to what procedures need to be enacted to oppose this renewal application. The City of Marina has an agreement with the SLC to protect this ESHA area and our citizens want to protect our water supply for future generations. There is confirmed proof that this desalination project is not wanted or needed. Supervisor Mary Adams has denounced this CalAm project as the wrong project, in the wrong location, while not being the regional desalination project we all are seeking to develop at a future time. Technologies will be developed that have more favorable operational functions. In the meantime, the Marina Coast Water District is re-activating its desalination plant, but the Pure Water Monterey Expansion, that will be completed within the next two years, will provide more than ample, drought-proof water security for all.

Thank you for your consideration.

Very respectfully,

Margaret-Anne Coppernoll, Ph.D.

February 26, 2023

**From:** Margaret Davis <[REDACTED]>

**To:** Kim Lunetta <[kim.lunetta@slc.ca.gov](mailto:kim.lunetta@slc.ca.gov)>

**Subject:** Item #66 on consent agenda

Commissioners,

Please pull item #66 from the consent agenda and move it to the agenda. This item requires the commission's full attention and should be denied for the following reasons:

1. CalAm's lease has the effect of strong-arming construction of its infeasible desalination plant. This will be far more hazardous to the environment than the CEMEX sand-mining industry it would replace.
2. SLC was instrumental in the closing of the sand-mine operation, so support for an even worse situation that will violate the tri-party agreement to preserve that land for conservation and recreational use only would be incomprehensible.
3. CalAm's stated purpose is to transport Salinas Valley aquifer water to the Monterey Peninsula. Thus CalAm's slant wells violate the State Agency Act, the State Constitution, the Sustainable Groundwater Management Act, and the Public Trust Doctrine.
4. CalAm's invasion of Marina's potable water supply without permit or water rights has cost the City of Marina \$8 million so far in court costs incurred to protect Marina's water supply. It has cost Marina Coast Water District even more millions.
5. CalAm's desalination plant would not provide one drop of water to Marina, but will deplete its potable aquifers and induce even more seawater intrusion.
6. Sea-level rise and scientifically projected erosion will cause the slant-well heads to be covered completely, making the desal plant a very poor investment at enormous cost to ratepayers and the environment. CalAm has no future relocation site for new slant wells, so the damage to ESHA and beaches will be another major loss.
7. This lease renewal would cause our communities to suffer even more for another four years. This is not sustainable. This egregious use will bankrupt Marina and/or destroy its water supply, defeat a public agency, Marina Coast Water District, and tragically ruin the Salinas Valley Basin's aquifers, which is CalAm's intent—because this will justify its unnecessary and unwanted desalination plant.
8. CalAm president Kevin A. Tilden has declared publicly that CalAm will over-pump the Seaside Basin rather than sign the Pure Water Monterey recycled water project's Expansion Water Purchase Agreement. CalAm over-pumped the Seaside Basin to the point of court adjudication after having received several iterations of a cease-and-desist order from the State Water Resources Control Board for over-pumping the Carmel River for decades.

9. The Expansion would provide enough water for the next thirty years, both for drought protection and affordable workforce housing. But CalAm wants to extort millions extra over the cost of the Expansion infrastructure already approved by the CPUC. The CPUC denied the extra \$20 plus millions because those extra millions would be for CalAm's desalination plant.
10. CalAm has obstructed the Expansion three years, using political subterfuge to keep it from moving forward. These tactics include a) using Seaside Basin recycled-water injection wells for extraction, which prevented Carmel River winter rainwater flows to be fully injected into the Seaside Basin for the Aquifer and Storage Recovery program, and b) restriction of full injection of Pure Water Monterey recycled water, because CalAm used an injection well for extraction.

This lease renewal would enable and embolden CalAm to continue its path of deception, fear mongering, and manipulative maneuvering.

CalAm obtained this property lease to support its illegally installed slant well with well-monitoring system. CalAm's goal is to gain approval for its desalination plant through incremental and political means, regardless of harm to man, animal, or environment.

Please pull this item and deny the lease renewal.

Very respectfully,

Margaret Davis  
Marina, CA

**From:** [midelpier](#) [REDACTED]  
**To:** [Lunetta\\_Kim@SLC](#)  
**Cc:** [Margaret-Anne.Coppernoll](#)  
**Subject:** Objection to renewal and/or extension of CalAm well lease and request for the matter to be placed on the regular calendar  
**Date:** Friday, February 24, 2023 7:04:50 AM

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

To the members of the State Lands Commission:

I object the the matter that has been inappropriately placed on your February 28, 2023 Consent Agenda wherein your staff is recommending that the California American Water Company be granted a lease extension for its proposed desalination well/ project near Marina CA. This matter needs to be removed and placed on a future SLC regular calendar due to your staff's failure to address grave Public Trust issues that were previously undisclosed in the staff's original review of the CalAm project.

As I have stated previously in my correspondence to the SLT, the proposed project intends to exploit "public trust" potable groundwater resources from beneath the Monterey Bay National Marine Sanctuary.

The aquifer that CalAm intends to exploit is a fresh water aquifer below state lands that extends off shore from the potable fresh water aquifers of the Salinas Valley.

Your staff has failed to demand a full, comprehensive, independent and detailed environmental analysis of CalAm's irreversible exploitation of this unique "potable" groundwater resource which is a Public Trust resource.

A close review of: 1. the provisions governing Public Trust resources found in the California Constitution, AND 2. the statutory protection requirements of the California Coastal Act governing coastal groundwater resources in and beneath the Coastal Zone, AND 3. the clear and unequivocal articulated holdings related to the state's (in this case the SLC's) specific duty to protect and preserve Public Trust resources which are specifically identified in the 1983 National Audubon (Mono Lake) case, will demonstrate that NO extension of the original SLC permit (absent a NEW detailed analysis pursuant to the "Reasonableness Doctrine" and a new environmental review) can be granted.

The groundwater aquifer (beneath the Monterey Bay Marine Sanctuary) is a "Public Trust" resource. It's source of recharge is fresh water traveling from onshore potable aquifers in the Salinas Valley.

Freshwater seeps in the submarine canyon support unique environmental habitats which will be "starved" of fresh water by CalAm's project.

That Public Trust groundwater resource belongs to the people of California and the SLC is duty-bound and required to have fully analyzed and "balanced" (pursuant to the Audubon decision) any exploitation and/or permanent damage of that Public Trust resource BEFORE any extension of the previous CalAm permit may be granted.

Respectfully,

Marc Del Piero  
[REDACTED]

[Sent from the all new AOL app for iOS](#)

**From:** [Ron Weitzman](#)  
**To:** [Simpkin\\_Drew@SLC](mailto:Simpkin_Drew@SLC)  
**Subject:** Renewal of Cal Am Applicaton  
**Date:** Monday, November 21, 2022 11:16:07 AM  
**Attachments:** [Water Plus Coastal Commission Presentation pptx](#)

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear Mr. Simpkin:

Cal Am needs renewal of a permit from your agency if it is to proceed with its proposed desalination project. Representing local ratepayers, our organization strongly opposes that project—for reasons that the attached PowerPoint presentation, on the record of the November 17 Coastal Commission hearing on the project, should make clear. Our organization does not oppose desalination per se; in fact, we were a strong supporter of the regional desalination project certified by the CPUC in 2010 but abandoned when Cal Am pulled out of it. That project has none of the problems presented in the PowerPoint. Please let me know how you plan to deal with this issue. Thank you. —Ron Weitzman, President, Water Ratepayers Association of the Monterey Peninsula

# **The MPWSP has Flaws that Require its Rejection by All Responsible Public Agencies**

*Presentation by the*

**Water Ratepayers Association of the  
Monterey Peninsula (aka Water Plus)**

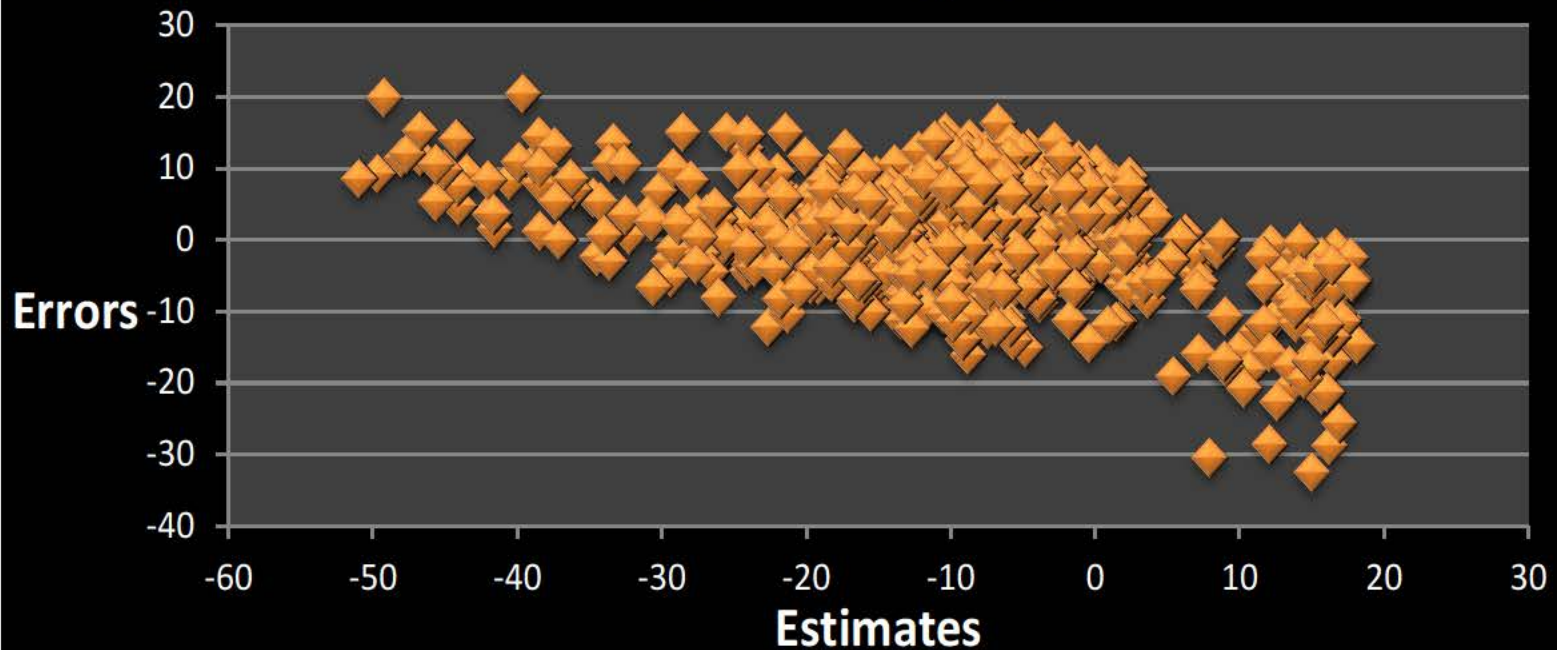
# ***MPWSP Model Predictions of Environmental Impact Have Zero Credibility***

- **All the models developed in the MPWSP to predict the environmental impact of the operation of project slant wells were calibrated to reduce error variation during model testing by adjusting weighted predictor data without subsequent development of corresponding new models—with new and optimal weights—based on the adjusted data.**
- **Adjustment of predictor data during model testing without development of a new model based on the adjusted data produces predictions that have an inadmissible negative correlation with prediction errors, illustrated in the next slide.**
- **The result of this misuse of statistics is that all MPWSP predictions of environmental impact reported in the EIR have zero credibility. This is an obvious failure to satisfy CEQA.**



# SCATTERGRAM FOR ESTIMATES & ERRORS

## 180 Foot Aquifer



• Correlation = -0.45    Relative Error = 11.2 Percent

- Hydrogeologists consider a model having a Relative Error greater than 10.0 % to be inaccurate. Here it is 11.2 %.
- Because errors by definition are not predictable, their predictability shown here by the downward trend (Correlation equal to -0.45) destroys all model credibility.

# ***MPWSP Slant Wells Do Not Prevent Entrapment of Sea Life***

- **All the project slant wells draw water from the 180-foot aquifer which is topped by an aquitard that keeps out any water that might seep down to the aquifer through sand preventing the entrainment and entrapment of sea life.**
- **All or most of the water drawn from that aquifer comes directly from the sea—at sites where water prior to seawater intrusion emptied into the sea.**
- **No data presented in the EIR show that use of the MPWSP slant wells prevents entrainment and entrapment.**

## ***The MPWSP Exports Mostly Salinas Valley Groundwater to the Monterey Peninsula***

**According to the EIR (Appendix E2, p. 28), up to two-thirds of the MPWSP source water comes from the freshwater Dune Sand aquifer whose flow seaward throughout the year shows that the Salinas River, together with other local streams and ponds, provides most, if not all, of the aquifer's source water—just as the Carmel River provides much of the source water for the Carmel Valley aquifer.**

# ***The MPWSP Fails to Satisfy CEQA and the Agency Act***

**The Coastal Commission, along with the Public Utilities Commission, is responsible for the enforcement of the California Environmental Quality Act, as well as the state Agency Act, which prohibits the exportation of groundwater from the Salinas Valley.**

**Commissioners:**

**Please consider the attachment to each of the two letters I emailed you November 6 and 7.**

*Thank you.*

**From:** [Ron Weitzman](#)  
**To:** [Simpkin\\_Drew@SLC](mailto:Simpkin_Drew@SLC)  
**Subject:** RE: Renewal of Cal Am Applicaton  
**Date:** Monday, November 21, 2022 3:17:59 PM  
**Attachments:** [image002.png](#)

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Thank you, Drew. Will do. --Ron

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**From:** Simpkin, Drew@SLC [mailto:Drew.Simpkin@slc.ca.gov]  
**Sent:** Monday, November 21, 2022 12:57 PM  
**To:** Ron Weitzman  
**Subject:** RE: Renewal of Cal Am Applicaton

Ron,  
Cal Am has a lease with the California State Lands Commission for the test slant well. Pump testing ended in 2018 and Cal Am continues to maintain the test well. We are currently processing an application to amend the lease term an additional two years. Cal Am is not authorized to use the well to extract water for the MPWSP.

We have not received an application for the construction of additional slant wells.

If you have not already, I would recommend you join the Commission Meeting Notices e-list to receive general announcements and Commission meeting updates. Sign up via the [Commission's website](#).

Thank you,  
Drew

**Drew Simpkin**, Public Land Management Specialist  
**CALIFORNIA STATE LANDS COMMISSION**  
Land Management Division  
100 Howe Avenue, Suite 100-South | Sacramento | CA 95825  
Phone: 916.574.2275 | Email: [drew.simpkin@slc.ca.gov](mailto:drew.simpkin@slc.ca.gov)

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**From:** Ron Weitzman <ronweitzman@redshift.com>  
**Sent:** Monday, November 21, 2022 11:16 AM  
**To:** Simpkin, Drew@SLC <Drew.Simpkin@slc.ca.gov>  
**Subject:** Renewal of Cal Am Applicaton

**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear Mr. Simpkin:

Cal Am needs renewal of a permit from your agency if it is to proceed with its proposed desalination project. Representing local ratepayers, our organization strongly opposes that project—for reasons that the attached PowerPoint presentation, on the record of the November 17 Coastal Commission hearing on the project, should make clear. Our organization does not oppose desalination per se; in fact, we were a strong supporter of the regional desalination project certified by the CPUC in 2010 but abandoned when Cal Am pulled out of it. That project has none of the problems presented in the PowerPoint. Please let me know how you plan to deal with this issue. Thank you. —Ron Weitzman, President, Water Ratepayers Association of the Monterey Peninsula

**From:** [Ron Weitzman](#)  
**To:** [Lunetta\\_Kim@SLC](mailto:Lunetta_Kim@SLC)  
**Cc:** "[Margaret-Anne Coppernoll](#)"  
**Subject:** No Further Need for Test Well  
**Date:** Monday, February 27, 2023 4:58:04 PM

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Kim, here are my comments about renewal of the test-well permit, below, also sent to the Coastal Commission. –Ron

Kim, the test well no longer serves any purpose because of the condition in the approved CDP that the intake pipe draw its water from no closer than 1,000 feet out to sea. Currently, the well draws its water from aquifers at the shoreline. I understand that protection of the Snowy Plover requires a removal date later than the Snowy Plover breeding/nesting season, but an extension of a whole year from February 28 seems inconsistent with the 1,000-foot condition. For this reason, I suggest an earlier removal date. –Ron (Ron Weitzman, president of the Water Ratepayers Association of the Monterey Peninsula)

P. S. The 1,000-foot condition for drawing water from under the sea is a serious one since the existing-project proposal would provide no more protection for sea life than open-ocean intake, the aquitard overlying the 180-foot aquifer preventing source water from filtering down through sand from the sea above it.