

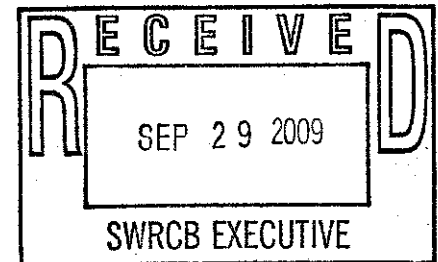


**CITY MANAGER**  
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September 29, 2009

**VIA ELECTRONIC MAIL TO:**  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



Jeanine Townsend  
Clerk of the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**RE: Cal-Am CDO Hearing Workshop**  
**Subject: City's Comment Letter**

Dear Ms. Townsend:

The Revised Draft Cease and Desist Order ("CDO") is one-sided and short-sighted. It is one-sided because it fails to balance the competing public interests at issue. It is short-sighted because it will likely delay a new regional water supply project that is needed to resolve the underlying water supply deficiency.

The City of Seaside and other community representatives have presented substantial evidence of the significant economic and social consequences that will result from the draconian water restrictions proposed by the CDO. (See e.g., Seaside Exhibit 7, Decl. of David Zehnder, 3:1-5.) These include local government revenue losses in the millions, thousands of jobs that will be lost or not created, elimination of opportunities for senior and affordable housing, and an inability to develop community health clinics, among other severe community impacts. These are significant consequences. They are the very real "other side" of the coin. Yet the CDO does not even recognize them.

All participants acknowledge the legitimate public interest in preserving the River's in-stream habitat. The community has only requested that the State Board balance the costs and benefits of the possible alternatives. The CDO fundamentally fails in this respect. There is no assessment of the benefit to the in-stream habitat in relation to the economic and social consequences that will result from the proposed restrictions. Plainly stated, the State Board has chosen fish over people regardless of the costs to the community and regardless of whether the adverse community impacts dwarf any benefit to the in-stream habitat.

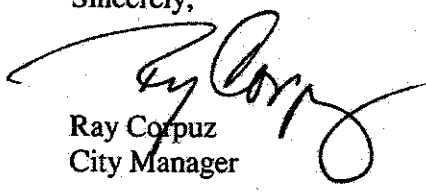
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The CDO justifies the proposed draconian water restrictions under the premise that they will induce the community to support a new water supply project. No such additional incentive is necessary. The community starkly understands the problem it faces and a new regional water project is close to being approved. Unfortunately, the likely result of the CDO will be to distract the attention of the interested parties from moving a regional solution forward as efforts are made to fight and adjust to the CDO.

There is a better approach. As the Public Utilities Commission suggested, a timeline could be developed to synchronize the imposition of the CDO's water restrictions with the completion of the new water supply project. In the interim, in stream habitat mitigation programs could be implemented and "real-time" reductions in diversion could be aligned with further conservation and other water supply projects (e.g., Seaside Basin ASR and Sand City Desalination). A balanced approach of this nature would facilitate the recovery of the Carmel River Steelhead and the in-stream habitat without unnecessary harm to the community.

The CDO, as drafted, does not achieve such balance, and the broader public interests will suffer as a result.

Sincerely,



Ray Corpuz  
City Manager

RC:bc

c: Mayor and City Council  
Russell M. McGlothlin, Brownstein Hyatt Farber Schreck, LLP