



*Marina Coast Water District  
Groundwater Sustainability Agency*



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**From: City of Marina, Marina Coast Water District, Marina Coast Groundwater Sustainability Agency, and Monterey Peninsula Water Management District**

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***Four Public Agencies Jointly Seek Reversal of Coastal Commission Approval of Cal-Am Desal Project***

*“The Coastal Commission approved the Cal-Am desalination project following a deeply flawed process that failed to follow the Commission’s own requirements needed to obtain a fair, legal, and transparent decision that serves the people and environment of the Peninsula.” [Remleh Scherzinger, General Manager, Marina Coast Water District]*

Four local public agencies — City of Marina, Monterey Peninsula Water Management District, Marina Coast Water District, and Marina Coast Water District Groundwater Sustainability Agency — are jointly seeking to reverse the California Coastal Commission’s conditional approval of Cal-Am’s Desalination Project.

**On December 29, 2022, the four agencies filed a legal action to vacate the California Coastal Commission’s approval of Cal-Am’s desalination project based on three broad shortcomings.** First, the Commission failed to properly evaluate or address the Project’s irreparable impacts on the coastal ecosystems, affordable groundwater resources, public coastal access, and economy of the communities where it would be constructed. Second, the approval process did not meet the Coastal Commission’s own requirements needed to obtain a fair, legal, and transparent decision. Third, the Project is not needed to meet the Peninsula’s water supply for the peninsula, is unnecessarily costly to the public, and is harmful to the environment, especially when compared with the alternative Pure Water Monterey Expansion Project.

**The Coastal Commission failed to follow or properly apply the important Coastal Act protections for environmentally sensitive habitat areas, public access, coastal hazards, prevention of groundwater depletion, and the public welfare for low-income ratepayers and diverse communities.**

**The Coastal Commission approved the Desal Project without following the Commission’s own rules to ensure a fair, legal, and appropriate decision.** As a result, the Coastal Commission process was rushed, unfair, and resulted in a poor decision. For example:

Staff acknowledged it had not undertaken any independent analysis of Cal-Am’s current water supply and demand requirements, but simply picked an average number, without evaluation.

The Commission failed to adequately disclose all of the Project’s potential impacts caused by the construction of an industrial wellfield, pipelines, and other structures within a 39-acre easement area located on Marina’s dunes and beaches.

Despite impacts to Environmentally Sensitive Habitat Areas, wetlands, vernal ponds, water supply, water quality, and groundwater resources, the Commission’s decision failed to comply with multiple requirements of the California Environmental Quality Act.

The Commission also failed to adequately analyze impacts related to the future location of slant wells, which will be overtaken by rising sea levels within 25 years and forced to be moved.

**There is adequate water without Cal-Am’s costly and environmentally harmful desal project.** The four agencies and others have presented supply and demand analyses demonstrating that water supplies are available to meet water needs for Cal-Am’s Monterey District customers. The sources include: the Pure Water Monterey recycled water project, the approved and funded recycled water expansion, Aquifer Storage and Recovery (“ASR”), the Sand City Water Supply Project (a small, already operational desalination plant), Cal-Am’s Carmel River permits and other water rights.

The total water supply available from Pure Water Monterey Recycled Water Expansion — without a desalination plant — will allow “banking” of excess available water supply in the Seaside Basin, which will build up a significant drought reserve, and provide further protection against seawater intrusion.

Even without the desalination facility, Cal-Am can maintain a 10 percent cushion of supply and still meet its customers’ water needs through 2050, even assuming all projected population growth occurs.

**In 2020, the Coastal Commission Staff effectively summarized why the Cal-Am Desal project should not be approved:** “The proposed Project is extraordinarily controversial, spawning at least ten lawsuits over the Project’s more than eight-year history. It also raises significant impacts to [Environmentally Sensitive Habitat Areas] and the need to consider whether a feasible and less environmentally damaging alternative to the Project exists. The Project also involves the most significant environmental justice concerns the Commission has considered since it adopted an Environmental Justice Policy in 2019.” Further, “Staff recommends finding that the Project is inconsistent with relevant Coastal Act and LCP [Local Coastal Program] policies and that the Commission may not approve the Project despite those inconsistencies because the PWM [Pure Water Monterey Recycled Water] Expansion is a feasible, less damaging alternative that will adequately provide water and protect the public welfare.