

From: Dave Stoldt [<mailto:dstoldt@mpwmd.net>]

Sent: Thursday, January 26, 2017 11:36 AM

To: LJ Coletti

Cc: O'Hagan, John@Waterboards; Aue, Marianna@waterboards; Mrowka, Kathy@Waterboards

Subject: RE: CEQA Environmental Checklist - mpwmdmemo_011817.pdf

Mr. Coletti,

District rules are very specific. Generally the offsetting or corresponding reduction would be from the same "Site", a defined term. While District rules do allow for credits to be transferred from one site to another, under existing rules residential credits cannot be transferred. Although District Rule 28 addresses commercial and industrial credits, none have been transferred since the Court of Appeal opinion in *Save Our Carmel River v. Monterey Peninsula Water Management District* (2006) 141 Cal.App.4th 677 which held that a cumulative impacts analysis of a water credit transfer must be performed under CEQA. The proposed language does not change existing transfer rules or allow additional transfers without CEQA compliance.

Dave

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