



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**  
**Monterey Bay National Marine Sanctuary**  
99 Pacific Street, Bld. 455  
Monterey, California 93940

July 27, 2015

Ms. Linda G. McIntyre  
Moss Landing Harbor District  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104

**Subject: Monterey Bay National Marine Sanctuary Scoping Comments on the People's Moss Landing Water Desalination Project (PMLWDP)**

Dear Ms. McIntyre:

NOAA's Monterey Bay National Marine Sanctuary (MBNMS) staff have reviewed the Notice of Preparation (NOP) for the PMLWDP that we received on June 29, 2015. As stated in the NOP, PMLWDP is being proposed by the Moss Landing Green Commercial Park, LLC and is comprised of various components including: a 12 MGD desalination plant, sea water intake and outfall system, and product water pipeline and storage facility. The project will be located at the site of the former Kaiser Refractories Plant at Moss Landing on 16 acres of a 200 acre site. The intake structure will be located approximately 50' offshore with new 30" diameter piping extending out from an existing 20' diameter intake pump caisson structure. The brine will be discharged through an existing 2,700' long 51" diameter ocean outfall pipe.

MBNMS regulations (CFR Title 15, Subpart M, 922.132) prohibit disturbance of the seafloor and discharge of any matter into the sanctuary. Based on our initial review of the information provided at this time, this project will require an authorization from our office for the proposal to disturb the submerged lands of MBNMS and the discharge of brine; consistent with our regulations (CFR 922.49 and 922.132(e)) which link an authorization to another agency's action, it may require our issuance of two authorizations for these separate activities. A special use permit may also be required. It is likely that many other state and federal permits will also be required.

MBNMS staff believe the appropriate level of review for this project will require the development of an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act (NEPA). Consistent with our processing of the other two desalination projects currently being proposed for this region, we strongly recommend a joint CEQA/NEPA process to ensure a streamlined approach for the public's evaluation, to reduce duplication, and ensure a timely and consistent environmental review of this proposed project by combining state and federal review for a final joint EIR/EIS document. In order to initiate the permitting process and the NEPA process, Moss Landing Green Commercial Park LLC as the developer will need to submit a permit application to MBNMS. The permit application form and guidelines can be found on our website at: [http://montereybay.noaa.gov/resourcepro/permit/permits\\_need.html](http://montereybay.noaa.gov/resourcepro/permit/permits_need.html)



Specific comments regarding this project include:

- 1) All aspects of this project must comply with the May 6, 2015 adopted *Amendment to the Water Quality Control Plan for Ocean Waters of California Addressing Desalination Facility Intakes and Brine Discharges*.
- 2) A clear demonstration of water need is necessary to properly size this facility and sufficiently evaluate environmental impacts through the CEQA/NEPA process. The applicant must submit and the EIR/EIS must evaluate the commitment by relevant water agencies to use water developed by PMLWDP.
- 3) Sufficient studies regarding impacts from the open ocean intake must be performed and evaluated using the Empirical Transport Model and subsequent analysis of Area of Production Foregone to ascertain impacts on the organisms that are lost due to entrainment and impingement as well as the lost productivity as a result of the open ocean intake.
- 4) Sufficient studies must be conducted to evaluate the impacts from the brine being discharged back into the ocean. The studies should be specific to the location of the existing outfall for a variety of scenarios including fluctuating oceanic and seasonal conditions and the impacts on marine organisms.
- 5) Alternatives:
  - a. Further investigation of sub-surface intakes must be conducted. The explanation in the NOP is insufficient to eliminate this alternative intake based on *Guidelines for Desalination Plants in the Monterey Bay National Marine Sanctuary* as well as the California Ocean Plan amendment referenced above and criteria established by the California Coastal Commission.
  - b. Section F.2., discusses other regional alternatives including the Monterey Peninsula Water Supply Project (MPWSP) and the Monterey Regional Water Supply Project. It is not clear if either of those projects were to successfully reach construction, how they would impact the People's Moss Landing project, please elaborate.
  - c. The Reduced Size Alternative is based on the MPWSP reducing the current demand of water because of additional water conservation efforts. What reduced capacity would be evaluated as an alternative? Additionally, will the developer propose and will the DEIR/DEIS evaluate a reduced capacity plant if the 8.7 MGD were provided to the Cal Am service district by one of the other project proponents?
- 6) Cumulative Impacts – All potential impacts from the other proposed desalination facilities as well as the intake from the Dynegy Power Plant must be thoroughly evaluated as they relate to the entire Monterey Bay.

At whatever point in the future MBNMS receives a permit application for this project, it is likely we will have additional information needs. We hope to schedule a meeting in the near future to discuss a joint CEQA/NEPA process with the project proponent. Should you have any questions related to the EIS process, or to set a follow up meeting, please contact the MBNMS Resource Protection Coordinator, Ms. Karen Grimmer at (831) 647-4253.



Sincerely,

A handwritten signature in black ink that reads "Paul Michel". The signature is written in a cursive style with a large, prominent "P" and "M".

Paul Michel  
Superintendent

Cc: Mary Jo Borak, California Public Utilities Commission  
Cy Oggins, California State Lands Commission  
Tom Luster, California Coastal Commission  
Jacob Martin, United States Fish and Wildlife Service  
Joyce Ambrosius, National Marine Fisheries Service  
Katerina Galacatos, US Army Corps of Engineers  
Carter Jessop, US Environmental Protection Agency  
Mike Novo, County of Monterey

