

James Feenan

Mendocino County

From: Max Yeh <maxwyeh@gmail.com>
Sent: Tuesday, March 26, 2024 4:14 PM
To: pbscommissions
Subject: Comment on U-2023-0004
Attachments: Final Third Comment.pdf

MAR 27 2024

Planning & Building Services

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Dear Commissioners,

Please find attached my Third Public Comment on MUSD's project (U-2023-0004) scheduled to be heard on April 4th.

Thank you for your attention and concern.

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Max

To: Mendocino Planning Commission
From: Max Yeh
10800 Cummings Lane
Mendocino, CA
maxwyeh@gmail.com

Date: March 26, 2024
Re: Case U_2023-0004
Mendocino Unified School District
Coastal Development Use Permit
Third Public Comment

Mendocino County

MAR 27 2024

Planning & Building Services

I. Introduction

In my earlier public comments to the Commission (date stamped March 4 and March 12) I requested that the Commission deny MUSD's application for a Coastal Development Use Permit. I based this request on evidence that MUSD's Final Subsequent Mitigated Negative Declaration (FSMND) does not give the Commission enough information on the probable or even possible impacts to judge if the mitigations offered are sufficient to off-set the negative effects on groundwater sustainability. I suggested that a pre-permit aquifer study is required to provide the information the Commission should have.

This evidence on matters regarding the issues of sustainability, the existence of excess water, the risk of violations of California law, and the failure to consider the project's possible relationship to a municipal water project demonstrates the FSMND's failure to satisfy the requirements of CEQA. My previous arguments, therefore, addressed the Commission as the Responsible Agency in a CEQA process.

In this third comment, I wish to address the Commission as the County's designated representative of the California Coast Commission, which has delegated its authority to the County in matters of local planning and building because it has certified Mendocino's Local Coastal Plan (LCP), incorporated into the County Plan as the Coastal Element.

II. The LCP requires a pre-permit aquifer study for this project

The Staff Report (at PC-11) correctly cites the applicability of MCC 20.516.015(B)(2) [LCP Policy 3.8-9] to the effect that approval of this application depends on a **prior** hydrologic study that

demonstrates “proof of an adequate water supply, and evidence that the proposed use shall not adversely affect contiguous or surrounding water sources/supplies.” The Staff Report recognizes the submitted Hydrogeologic Report (Staff Report, Attachment B [FSMND], Appendix A) as the required proof of water, and it accepts the post-permit well testing as sufficient to satisfy the required pre-permit proof of non-adverse impact. I will contest both recommendations.

III. The Hydrogeologic Report

I am not a hydrologist. But I hold an undergraduate degree in Physics, with a specialty in Fluid Mechanics, the basis of hydrology. Therefore, I read the Hydrogeologic Report with some attention and some understanding but obviously not as an expert.

The Report makes its adequacy argument in a section called Water Budget (4.2). It defines somewhat arbitrarily a 12.4 area of study which includes and lies mostly laterally to the proposed well-field relative to the topographical slant of the land; thus, it ignores down-gradient flows. After discussing rainfall and evapotranspiration in the defined area, it calculates the amount of groundwater flowing into the aquifer through its up-gradient surface boundary (pp. 18-19):

$$\text{BoundaryLength} \times \text{AquiferThickness} \times \text{HydraulicConductivity} = \text{IncomingWater}$$

$$500 \text{ ft} \times 15 \text{ ft} \times 2.8 \frac{\text{ft}}{\text{day}} = 21,000 \text{ cubic} \frac{\text{feet}}{\text{day}} = 180 \text{ acre} \frac{\text{feet}}{\text{year}}$$

Incoming Water in the volumetric rate of 180 AFY seems more than adequate for the residential needs of the study area. However, multiplying the Hydraulic Conductivity by the area of the aquifer’s up-gradient face (Boundary Length x Aquifer Thickness) does not technically give “Incoming Water.” Hydraulic Conductivity, as properly stated (p. 15), is a property of the soil, its ability to allow water to pass through it. When multiplied by the area of the up-gradient side of the aquifer, the product shows how fast that water can enter the aquifer, a capability. It does not indicate the actual presence of 180 AFY of water.

However, the report interprets this number as indicating actual water flow because it derived the Hydraulic Conductivity experimentally from the well pumping data of Well 1 (Figure 16). So, the implication is that the water was present and flowing at that rate. But there are some problems. First,

during the pumping of Well 1, the well went dry after only 1.5 hours (and continued cycling from lack of water for two days during the 3-day pumping). Although the Hydrogeologic Report is careful (too careful?) to say that the cycling is caused by an automatic shut-off system, we can practically say that that shut-off system is adjusted to prevent the pump drawing air and over-heating, so that the cycling indicates lack of water. Not only does this continuous cycling imply that water was not present at the well's depth but the drawdown analysis to determine conductivity was based on slim data. Second, the application of the Cooper-Jacobs approximations assumes that the aquifer is homogeneous in soil composition, isotropic, of uniform thickness, non-leaky, confined, and horizontal (not flowing down an incline, for example), which are all conditions that this aquifer seriously violates. I do not know how all this affects the calculated Hydraulic Conductivity, but the Staff Report should have discussed these issues rather than simply accept this calculation as a proof of adequate water supply.

An even more serious problem with the assumption that 180 AFY of water supplies this section of the aquifer is that the groundwater flows in the defined area of study are entirely unknown. As a result one cannot know how much of the supposed 180 AFY will be available to the well-field. The Response to Comments states (p. 3-4) that my well, which is within the Hydrogeologic Report's defined study area, is "hydrologically disconnected" from the proposed well-field. Since my property abuts on the MUSD property, quite a bit of the 180 AFY might be flowing away from the proposed well-field. To further indicate how unknown the directions of underground flows in this limited area are, the Response states (also p. 3-4) that "the area of 12.4 acres [the defined study area, which includes my well, supposedly disconnected from the well-field] is the estimated area that is tributary to the Project site based on topography." A tributary is also hydrologically disconnected? However, the Response clarifies, "The area tributary to groundwater within the site may be different." All evidence shows that no one knows how the flows go underground, something only an aquifer model can show.

Finally, the best evidence that 180 AFY of water are not available in this defined area is the fact that the area historically experiences water shortage even with its slight demand of about 5 AFY. Both my well and my Cummings Lane neighbor's well have gone dry during drought. Both wells are within the area that presumably is fed by an inflow of 180 AFY. By some unknown path, that inflow is not getting to us.

Even if -- ignoring all these problems -- this study can be accepted by the Commission as “proof” of the adequacy of water, that adequacy is defined by the needs of the applicant, which is also unknown. The total pumping capacity of the 10 or 11 wells is limited by the low Hydraulic Conductivity of the soil. Therefore, the proposed round-robin operation of 6 wells, each pumping 5 gallons per minute (8 AFY), will allow the well-field to produce 48 AFY, a quarter of all the water that can flow into this defined area. The rest of available water from rainfall will be used by the vegetation. That production will surely impact the stored water, if there is any, in the locality, so that the “proof” may show adequacy for use but not sufficiency for sustainability. See my Public Comment (March 4), Section III and Appendix II.

The LCP’s designation of the project area as a Critical Groundwater Area (thus generating Policy 3.8-9 or MCC 20.516.015(B)(2)) underlies the land use/zoning of this area as RR-5 and variable density RR-5 [RR-2]. Parcels are limited to 5 acres in order to preserve groundwater. That protection is demonstrated not only in Policy 3.8-9 but also in Policy 3.8-10:

In order to be developed to the smaller parcel size, areas indicated on the map as having a variable density zoning classification shall be required to be served by a public water system which utilizes surface waters, and which does not impact upon the ground water resource, or by completion of a hydrological study which supports those greater densities.

The stipulation that surface water use must not “impact upon the ground water resource” indicates the LCP’s intent to preserve groundwater. Recalling that CA Water Code §113 (2022) requires all water projects to be sustainable, the Commission might consider the two tandem policies to express that adequacy should not only be judged by the applicant’s needs but by our need to preserve the aquifer, by sustainability. Water must be kept in the ground and allowed to flow out of the area. There must be a **prior** demonstration of non-depletion, which, again, is what aquifer modeling does but which the Hydrogeological Report does not.

Land use in the Critical Groundwater Area allows only a well, presumably serving one family, every 5 acres. Clearly the intention of the LCP is to preserve and protect groundwater. In actuality, almost all the parcels in the RR-5 [RR-2] zones are less than 5 acres. See chart of land use on PC-3 of the Staff Report. These parcels, such as mine, were established several decades before the LCP and seem to be grandfathered in, but they make this area already over-populated for the groundwater. In spite of that, the project the Commission is considering proposes not just another well on an already undersized

parcel but 10 or 11 new wells. The contemplated increase is like turning the zone into a RR-0.5 zone, something unheard of for a Critical Groundwater Area.

Note that Policy 3.8-9 does not call for a **prior** hydrologic study for every case in the RR-5 zone. It only requires it of “Commercial developments and other potential major water users that could adversely affect existing surface or groundwater supplies.” Surely, the LCP, in attempting to protect and sustain groundwater, intends the code to apply specifically to projects such as the present one. By the definition of Cal. Code Regs. Tit. 14, § 13012 the present project is a “major public works,” which “mean[s] facilities that cost more than \$336,564”

The Hydrogeologic Report itself addresses sustainability (Section 4.3: CEQA Considerations). Under the heading “Sustainable Groundwater Management Considerations” it lists:

- Chronic Lowering of Groundwater Levels: Groundwater levels in the aquifer are highly dependent on seasonal precipitation and not traditional pumping cycles. MCCSD and MUSD will monitor groundwater levels and manage pumping schedules to prevent a prolonged reduction of groundwater levels.
- Reduction in Groundwater storage: Similar to groundwater levels, groundwater storage is highly dependent on seasonal precipitation and the aquifer has limited storage capacity due to shallow terrace deposits and outlets to the Pacific Ocean.

Sustainability remains unresolved after the “proof of adequacy” study. Therefore, it seems to me the study does not satisfy the LCP requirement for a prior determination of hydrologic consequences.

The Hydrogeologic Report also does not satisfy the second prong of the requirement, to gauge the impact on neighboring wells. In its drawdown test, only two neighboring wells were monitored, and one of these was a 140-foot deep well clearly in an aquifer distinct from the shallow aquifer well-field. Both wells were within the MCCSD jurisdiction. No outside wells, in the County Water Agency’s jurisdiction, were monitored. The Staff Report recognizes that failure, but it accepts a post-permit well test and certain conditions of management as a mitigation. That acceptance seems to me problematic. It denies the validity of a very specific policy statement. Does the Commission have the authority to overrule a policy?

IV. Setting aside Policy 3.8-9

The Staff Report does not give reasons why Policy 3.8-9 should not be followed. However, there are good reasons why the mitigations for not submitting an adequate prior aquifer study are insufficient in themselves.

- A) First, as I pointed out in my Public Comment, MCCSD’s rules themselves require that a hydrological study take place **before** applying to the Commission for a Coastal Use Permit. In its own terms, therefore, the application is untimely.
- B) Second, the proposed post-permitting drawdown tests will not give an adequate assessment of the project’s impact on neighboring wells because the tests will be done this fall, during a normal year of rainfall, while the wells are intended to be used during an official drought. Only an aquifer modeling can begin to predict the effects of drought on the aquifer and the impacts of pumping 5 acre feet of water at a rate of 48 AFY during drought. If the Commission approves the project, MUSD and MCCSD will go into operation blind.
 - 1) MUSD neighbors within the MCCSD will be protected by deliveries from the project, but MUSD neighbors within the County Water Agency district such as myself and my Cummings Lane neighbors are abandoned. Provisioning us residents in the County Water Agency’s district is not just ignored in the division of use scheme agreed to in the MOU but ignored in the mitigations. On the division of use scheme, see the MOU appended below as Appendix I. The FSMND states, and the Updated Supplement to Project Description in Support of Use Permit (Staff Report, Attachment A) repeats verbatim, that of the 615,000 gallons stored in the “municipal water tanks” [shades of the municipal water project that the present project is part of] 115,000 gallons are “for the MUSD water system” and 500,000 gallons are “for the MCCSD service area.” FSMND, p. 1-6; Updated Supplement, p. 3. I believe that leaves 0 gallons for Cummings Lane residents. Will the Commission on behalf of the County Water Agency assume responsibility for protecting our water rights?
- C) The third reason why the proposed mitigations are insufficient to off-set the missing negative impact study is that all the mitigations depend on a long-term relationship between MUSD and MCCSD. However, their relationship is *ad hoc* and entirely based on a Memorandum of Understanding which is non-binding, can be terminated at any time without specification, which prioritizes MUSD’s water needs, and which is silent as to responsibilities and liabilities in regard specifically to the mitigations. Phrases in the mitigation such as “MCCSD and MUSD

shall ...” are completely ambiguous as to agency because the relationship is legally unstable. The MOU is not a joint powers agreement.

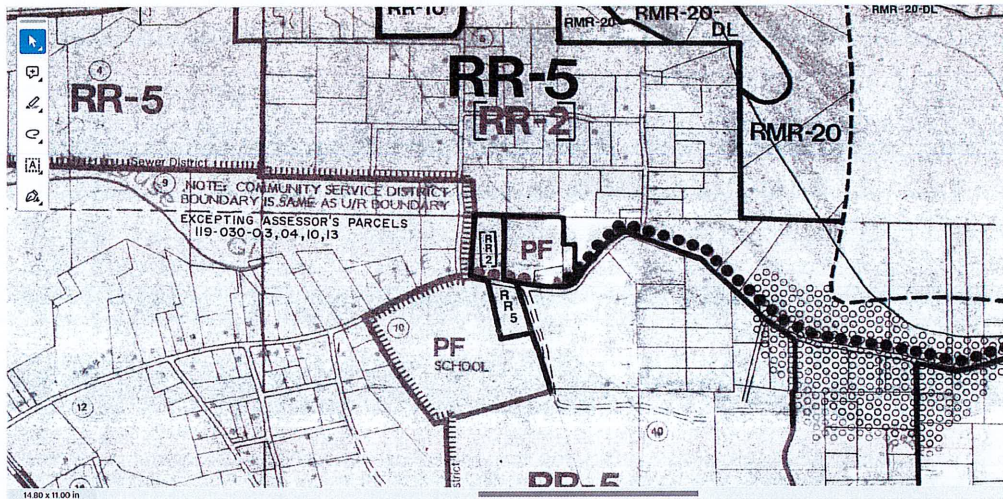
- D) The fourth reason the mitigations do not adequately address the need for a prior hydrological determination of sufficiency (for groundwater sustainability and for groundwater users) is their failure to consider the unknown pathways of underground flow. The gauge at the project parcel’s boundary to detect effects on the wetlands that are fed by the underground flow at the site assumes that the impact on Slaughterhouse Creek can be detected at that point. But as MUSD’s Response to Comments indicates, there are other possible pathways to the Creek. If, for example, my groundwater flows both towards the proposed well-field and towards the Creek without passing the wetlands immediately next to the well-field, then a reduction of groundwater level at my property caused by the well-field pumping can reduce the flow towards the Creek undetected by the gauge. Again, such issues can be clarified by aquifer modeling.

The Staff Report provides the Commission neither the authority nor the reasons for not following the LCP’s policies on how to treat major water projects in designated Critical Groundwater Areas. The Commission should recognize that the application violates the LCP’s stated policies as well as its intent.

V. Access and Scenic View

The Staff Report says (at PC-15), “The site is not designated as a potential public access trail location, being immediately east of the Town of Mendocino. The project would not affect public access.” However, in the LCP (p. 179) in Section 4.7 (the Big River Planning Area), the site is designated as part of the “Little Lake Road Inland Trail” described as “From Highway 1 at Mendocino, County Road 408 transverses northeasterly to intersection of Caspar-Little Lake Road (Road 409) to State Highway 20.” It is characterized as “Pedestrian, bicycle, and equestrian use; designated on County Trails Plan.”

Furthermore, the Little Lake Road at the project site is marked on Coastal Zone Map 17 as scenic; although the Staff Report states (PC-5): “The project site is not mapped as a Highly Scenic Area.” See the following excerpt from Map 17:



At the center of the image the zone marked PF is the project site, across Little Lake Road from the K-8 School, also zoned PF. Highway 1 is at the lower left corner of the image. Little Lake Road going past the project site is marked with the same access dots as mark the bluffs of the Headlands in Mendocino village. This is the designated Little Lake Road Trail.

Recognizing the designation should lead the Staff Report to revise its review of how access trails and scenic views might be impacted. The proposed new tanks will exceed the County's 35-foot building height limit by 13 feet only a few yards from the designated trail. In fact, the tanks will be about as tall as the County Courthouse in downtown Ukiah. The proposed tree trimming will hardly mitigate the aesthetic effect. The Staff Report advises the Commission to waive the height limit because building broader, shorter tanks would disturb more ground. PC-4. I hope the Commission recognizes this "public interest" reasoning as specious. It makes a mockery of height restrictions in general since it can be used to justify any and all high-rises in the Coastal district.

Perhaps because the Staff Report ignores the Little Lake Road Trail designation, it considers the environmental impact of these over-sized tanks solely as a mitigated eye sore, an issue it dismisses as a necessary risk. But the over-sized tanks require greater scrutiny. The risk of a major leak is entirely ignored in the FSMND and in the Staff Report. No seismic design factor is mentioned. No site-specific ground motion analysis is mentioned. No consideration is given to ground settlement under the enormous weight of 600,000 gallons of water, not to mention the weight of the huge tanks themselves. No thought is given to stabilizing the very thin layer of soil above the aquifer that must

support the weight of these tanks. No thought is given to the risk of flooding that might result from tank leakage.

Similarly, the Staff Report minimizes the traffic issue on Little Lake Road because it discounts the road as a scenic zone. Thus it focuses discussion of traffic issues on Highway 1 (no impact) and ignores consideration of the impact on Little Lake Road when water trucks head up and down that steep grade, and through a school zone and a scenic zone. See “Transportation and Circulation,” PC-14.

VI. Minor Impact Utility project

The Staff Report (at PC-4) classifies the project as a Minor Impact Utilities project. MCC § 20.320.080 defines these as having a “local impact on surrounding properties.” But the term is not meant to apply to major water projects. The Ordinance continues “Typical uses are electrical and gas distribution substations, transmission distribution lines, microwave transmitting/receiving stations and relay stations.” The Ordinance defines projects with very little and completely localized soil disturbances for electrical, electronic, and gas systems, for telephone and electrical poles, etc. In the present project, any extraction affects the aquifer’s relations to the ecology downstream because it reduces water to the whole downstream system, all the way to the ocean. If the reduction of aquifer storage is significant or if reduction of groundwater level affects the wetlands, then the impacts will have a far wider field than “local.” This classification assumes the report’s conclusion as an initial premise. The project and its impacts should not be minimized without first knowing what those impacts will be.

VII. Conclusion

I respectfully request that the Commission deny the application for a Coastal Use Permit in Case #2023-0004. As shown in my Public Comment (March 4) and my Second Public Comment (March 12), the applicant’s description fails to satisfy CEQA requirements for accuracy, stability, and finiteness. In particular, it fails to inform the Commission on the impact of its water extraction as to quantity and use. It fails to demonstrate sustainability. It fails to demonstrate the presence of excess water, which alone legitimizes the transport of groundwater off-property for use. It ignores the relationship between this project and others of much larger extent.

Furthermore, the project violates the specific terms of the LCP in not demonstrating as part of its application the sufficiency of supply and the lack of impairment to neighboring wells.

Only an aquifer modeling can clarify these issues. Had the applicant undertaken that study last summer when it was suggested, the results would be in by now, and the Commission and the public would have evidence one way or another. Why such a procedure is rebuffed is not understandable.

I close with a citation from Thomas Harter and Hubert Morel-Seytoux, *Peer Review of the IWFM, MODFLOW and HGS Model Codes: Potential for Water Management Applications in California's Central Valley and Other Irrigated Groundwater Basins (2013)*(stress added).

Safe yield and aquifer sustainability are somewhat vague terms often referring to the potential maximum allowable groundwater extraction rate that will not cause undesirable harm to an aquifer system, to the (human and natural) environment supported by the aquifer system, or to the environment supporting the aquifer system. Naturally, groundwater systems are in a dynamic balance with their surroundings. The sum of the inflows into an aquifer system minus the sum of the outflows from the aquifer system determines the rate of change in groundwater storage within the aquifer system – much like a bank account. None of the freshwater aquifer systems in California are closed off from the environment (at the land surface). Hence, any extraction of water from a well, however small, takes away from the flow of groundwater somewhere else: less discharge to a stream, less uptake by groundwater dependent plants (e.g., in wetlands, riparian corridors), less groundwater in storage, less evaporation from dry lakes, and so on. By the same token, any additional recharge will result in additional outflow to a stream, to other wells, and/or into groundwater storage. **Groundwater models are ideally suited to determine how a change in stress to an existing groundwater system affects groundwater flows to existing well users, to streams and other groundwater dependent ecosystems, to neighboring groundwater basins, and to flow into and out of groundwater storage.**

APPENDIX I

Memorandum of Understanding

between

Mendocino Unified School District and Mendocino City Community Service District

April 20, 2023

MEMORANDUM OF UNDERSTANDING
BETWEEN THE MENDOCINO UNIFIED SCHOOL DISTRICT
AND
MENDOCINO CITY COMMUNITY SERVICES DISTRICT

The Memorandum of Understanding (MOU) is between the Mendocino Unified School District (MUSD) and the Mendocino City Community Services District (MCCSD) regarding a project involving the planning, design and construction of new potable water wells, water storage tanks, water treatment, and water system improvements on MUSD property. This MOU replaces the MOU approved by MUSD on September 9, 2022 and approved by MCCSD on October 3, 2022.

MCCSD is a California Community Services District formed pursuant to Government Code Section 61000 et seq., with responsibility for providing sanitary sewer service and treatment, groundwater management and street lighting within a district including the village of Mendocino. The MUSD is a K-12 school district that covers 420 square miles and serves the communities from Caspar on the north to Elk in the south and inland to Comptche.

The drought period of 2020-2022 was the worst multi-year drought in recorded State history. The ongoing drought highlighted the need for improved water security in the face of climate change and natural disasters. The MCCSD is the groundwater management authority within the service area boundary. It is responsible for the management of the Mendocino Headlands Aquifer to help prevent overdraft and maintain equitable access to groundwater for the residents, businesses, and property owners. MCCSD has a robust Groundwater Management Program and Water Shortage Contingency Plan. Even with these plans in place, some wells in the service area run dry each summer and others are not able to keep up with demand. The 2021 drought year exposed another weakness; MCCSD customers cannot depend on neighboring water districts to meet water demand short fall during dry periods. This has led to the need to create a local emergency water supply and storage for use during dry periods.

The MUSD is in the unique position of owning one of the most developed and expansive water systems within the MCCSD service area. MUSD owns, operates, and maintains two wells, 115,000 gallons of potable water storage in two tanks, a water treatment system, and a water distribution main that extends through most of the

MCCSD service area, east to west, and includes fire hydrants. MUSD was awarded a *Drinking Water State Revolving Fund (DWSRF)* grant to replace the two existing water tanks, replace the water treatment system, and bring an additional well online. The project is called the Water Supply and Storage Project.

MCCSD, in cooperation with MUSD, has obtained a California Department of Water Resources grant through the *Urban and Multibenefit Drought Relief (UMBDR) Grant* program to develop a Water Supply and Storage project to help serve the District's water needs during dry periods. This UMBDR grant funding is for the development of 500,000-gallons of potable water storage, and the drilling of up to 10 new groundwater wells.

MCCSD and MUSD have had discussions and agreed to cooperate in the development of a water supply and storage on MUSD owned property that combines both DWSRF and UMBDR grant funding sources to deliver one project. The project combines the storage volume, and incorporates the new wells, treatment building and site improvements. This approach is proposed because combining the funds into one project maximizes the available funding and leverages economy of scale. MUSD's existing water system infrastructure is already being improved and the presence of groundwater on the MUSD property is known. Combining project funding also reduces the total number of water tanks and the project footprint.

This project is supported by the Mendocino County fifth District Supervisor, California State political leaders, local residents, and local businesses.

MCCSD and MUSD therefore agree to the following:

1. MUSD will make available its real property for the purpose of constructing up to ten (10) new potable water wells and incorporating them and 500,000 gallons of additional potable water storage into the MUSD Water Supply and Storage Project.
2. MUSD was designated by the State Water Resources Control Board as the Lead Agency under the California Environmental Quality Act (CEQA). MUSD previously completed an Initial Study (IS)/Mitigated Negative Declaration (MND) for the MUSD funded Water Supply and Storage project. It is mutually agreed that MUSD will remain the lead agency for the combined project.
3. Equitable access to water during periods of drought will be mutually determined between MUSD and MCCSD once all MUSD potable water needs are met.

4. For any water accessed by MCCSD, MCCSD shall be responsible for the proportionate cost of water pumping and treatment, as well as proportionate costs to maintain wells, storage, and water quality.
5. MCCSD and MUSD will coordinate to have a hydro-geologic study, well siting study, geotechnical investigation, survey, updated environmental documents, permitting, and update the Water Supply and Storage Project design for the additional potable water wells, 500,000 gallons of additional storage, and related improvements.
6. The hydro-geologic study and well siting study will inform the design and locations of the wells. The wells will be constructed in accordance with the MCCSD Groundwater Management Plan, specifically Ordinance 2020-01. This includes notification of surrounding properties, and a 72-hour pump test as part of a hydro-geologic study during construction. If the wells produce a sufficient quantity of water and the hydro-geologic study concludes that water may be extracted without negatively impacting neighboring well groundwater levels, the wells will be developed for potable water production.
7. In the event adequate water is not found as a result of drilling the new wells, an alternative well site(s) may be explored. Similarly, if hydrological testing shows that the water cannot be extracted without negatively impacting neighboring wells, including MUSD's existing wells, alternative well sites may be investigated or a well operations plan developed.
8. In the event adequate water is not found as a result of drilling the new wells, MUSD shall retain the right to use the wells drilled on its property for whatever purpose the hydrological testing identifies as appropriate, subject to state requirements, and MCCSD shall have no further financial commitment to the wells.
9. Water will be treated by the MUSD water treatment system. MCCSD staff will have unrestricted access to the treatment system. Operation and maintenance of the treatment system to ensure health and safety of the water will remain the responsibility of MUSD as part of their State permitted public water system.
10. MUSD will grant MCCSD an access and utility easement onto MUSD property, as determined to be necessary, for the construction, maintenance, service, and use of the storage tanks, wells, and treatment system.

11. Once constructed and operational, MCCSD will operate and maintain the new wells. MCCSD will be responsible for all costs associated with maintenance, use, and replacement of the wells, and proportionate cost of operation and maintenance of the tanks and water treatment system, for any water accessed by MCCSD.
12. MCCSD and MUSD will make sure water is accessible to the Fire Departments as needed for emergency fire suppression.
13. Changes to the UMBDR grant funded improvements are at the discretion of MCCSD, the grant recipient, and require approval of the California Department of Water Resources, the grant provider.
14. Changes to the DWSRF grant funded improvements are at the discretion of MUSD, the grant recipient, and require approval of the State Water Board Division of Financial Assistance, the grant provider.
15. Changes to the project that may affect MUSD will be subject to MUSD approval.
16. This MOU may be modified by MCCSD and MUSD in a subsequent memorandum signed by both parties.

This MOU is hereby accepted by MCCSD and MUSD effective April 20, 2023 at Mendocino, California.

Mendocino City Community Services District


By: Dennak Murphy, Board President

Mendocino Unified School District


By: Michael Schaeffer, Board President

