

**Before the Board of Supervisors, acting as the
Monterey County Groundwater Sustainability Agency, in and for the
County of Monterey, State of California**

Resolution No.

Approving a Cooperation Agreement with the)
SVBGSA, requesting that SVBGSA take all)
actions necessary to finalize and implement)
the Agreement, and authorizing the Chair to)
execute the Agreement.)

WHEREAS, in the fall of 2014 the California legislature adopted, and the Governor signed into law, three bills (SB 1168, AB 1739, and SB 1319) collectively referred to as the “Sustainable Groundwater Management Act” (“SGMA”), that initially became effective on January 1, 2015, and that has been amended from time-to-time thereafter; and,

WHEREAS, the stated purpose of SGMA, as set forth in California Water Code section 10720.1, is to provide for the sustainable management of groundwater basins at a local level by providing local groundwater agencies with the authority, and technical and financial assistance necessary, to sustainably manage groundwater; and,

WHEREAS, SGMA requires the designation of Groundwater Sustainability Agencies (“GSAs”) for the purpose of achieving groundwater sustainability through the adoption and implementation of regulatory programs known as Groundwater Sustainability Plans (“GSPs”) or an alternative plan for all medium and high priority basins as designated by the California Department of Water Resources (“DWR”); and,

WHEREAS, in December of 2016 a joint powers authority, known as the Salinas Valley Basin Groundwater Sustainability Agency (“SVBGSA”) was formed for the purpose of being a GSA for the Salinas Valley Groundwater Basin (“Basin”), and the subbasins therein (with limited exceptions), within Monterey County; and,

WHEREAS, SGMA requires GSAs to adopt GSPs for each basin/subbasin within the GSA’s jurisdiction; and,

WHEREAS, GSPs for basins designated high priority in DWR’s Bulletin 118, and for those basins designated a in a critical condition of overdraft, are due to be filed with DWR no later than January 31, 2020; and,

WHEREAS, the 180/400-foot aquifer subbasin of the Salinas Valley Groundwater Basin (“SubBasin”) is designated high priority and in a critical condition of overdraft; and,

WHEREAS, the City of Marina previously voted to become a GSA over a small portion of the Subbasin, creating an overlap with the SVBGSA for that area; and,

WHEREAS, attempts to resolve the overlap between the two GSAs have failed, thus creating the possibility of an “unmanaged” area in the Subbasin that would be subject to State intervention; and,

WHEREAS, to avoid State intervention, the SVBGSA Board of directors requested and the Monterey County Board of Supervisors voted to become the GSA for the overlap area and filed the appropriate notice with DWR, thus becoming the exclusive GSA for the overlap area pursuant to SGMA; and,

WHEREAS, the County subsequently formed the Monterey County GSA and DWR has deemed the County the exclusive GSA for the area commonly referred to as the CEMEX property; and

WHEREAS, due to the circumstances above, the County GSA was not formed until December 11, 2019, and the GSA was thus unable to meet statutory noticing deadlines for the development and adoption of a GSP prior to January 31, 2020; and

WHEREAS, the SVBGSA has undertaken the process to prepare a GSP for the Subbasin as required by SGMA; and,

WHEREAS, the SVBGSA has provided the notices required by Water Code section 10727.8, and previously formed an Advisory Committee, consisting of a diverse group of interested parties and stakeholders, which has reviewed and provided input into the GSP for the Subbasin; and,

WHEREAS, the SVBGSA Board of Directors and the Advisory Committee have held numerous public meetings where elements of the GSP for the Subbasin have been presented and discussed, and where the general public has been provided the opportunity to comment on the various elements of the GSP; and,

WHEREAS, the SVBGSA has received a significant amount of written public comments on the various elements of the GSP, which have been reviewed and commented on, where and as appropriate, as part of the GSP; and,

WHEREAS, the SVBGSA has noticed a public hearing for December 12, 2019, as required by Water Code section 10728.4 for the purpose of consider adopting a GSP for the Subbasin; and,

WHEREAS, at the public hearing, the SVBGSA Board of Directors considered the GSP for the Subbasin and the comments from the public thereon; and,

WHEREAS, the GSP for the Subbasin contains all the elements required by Water Code sections 10727.2 and 10727.4; and,

WHEREAS, after its filing with DWR, the GSP for the Subbasin will be subject to a further public review period, and will undergo review by DWR for a period not exceeding two years; and,

WHEREAS, the GSP for the Subbasin will be subject to further updating during the DWR review period, and periodically thereafter; and,

WHEREAS, the SVBGSA Board of Directors closed the public hearing on December 12, 2019, but continued the matter to the regular Board of Directors meeting of January 9, 2020; and,

WHEREAS, the SVBGSA Board of Directors adopted a Resolution approving a GSP for the 180/400 Subbasin exclusive of the area covered by the Monterey County GSA to clarify for GSA boundary distinction; and,

WHEREAS, SGMA allows the development, approval and implementation of a single GSP for a basin; and,

WHEREAS, the 180/400 Subbasin GSP covers the entire Subbasin, including the area within the County GSA; and,

WHEREAS, the County and the SVBGSA are hereby entering into a Cooperation Agreement (Attachment A hereto, incorporated by reference) for the SVBGSA to take all steps necessary to implement the GSP in the area covered by the County GSA; and,

WHEREAS, the Cooperation Agreement, SGMA, the Joint Power Authority, and the County's police powers authorize SVBGSA to adopt and implement the GSP within the County GSA jurisdiction area without the County adopting its own GSP; and pursuant to those authorities and the Agreement, the County consents to SVBGSA adopting and implementing the 180/400 Subbasin GSP within the County GSA's jurisdiction should SVBGSA elect to do so; and

WHEREAS, notwithstanding the above, to ensure the greatest amount of public participation and transparency, the County GSA has opened a public hearing and received public comment regarding the GSP, and will provide the all notices required by SGMA in order for the County GSA to develop and adopt the GSP; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Monterey Board of Supervisors, acting as the Monterey County Groundwater Sustainability Agency, resolves as follows:

1. The above Recitals are true and correct.
2. The Cooperation Agreement (Attachment A) is approved, and it is requested that SVBGSA take all actions necessary to finalize and implement the Agreement, and the Chair is authorized to execute the Agreement.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 28th day of January 2020, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book____ for the meeting on _____.

Dated:
Supervisors
File Number:

Valerie Ralph, Clerk of the Board of
County of Monterey, State of California

By

Deputy