

Attachment A

***Before the Board of Supervisors in and for
the County of Monterey, State of
California***

Resolution No. 19-_____)
Approving the formation of a Groundwater)
Sustainability Agency Pursuant to Water)
Code Section 10724 for a portion of the)
180/400 Foot Aquifer Subbasin, commonly)
referred to as the CEMEX property, and)
authorizing the filing of Groundwater)
Sustainability Agency Formation information)
and documents with the Department of Water)
Resources (DWR); and B) finding that this)
action is not a project under CEQA pursuant)
to section 15379 of Title 14 of the California)
Code of Regulations)

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law the Sustainable Groundwater Management Act (“SGMA”), which became effective on January 1, 2015, and which has been amended since that time;

WHEREAS, the intent of SGMA is to, among other things, provide for the sustainable management of medium and high-priority groundwater basins, to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater at the local level;

WHEREAS, SGMA requires the formation of one or more groundwater sustainability agencies (“GSAs”) in a basin that will develop one or more groundwater sustainability plans (“GSPs”) to sustainably manage groundwater in the basin;

WHEREAS, for any groundwater basin or subbasin designated pursuant to Water Code Section 10720.7 as being subject to critical conditions of overdraft, a GSP or GSPs must be adopted covering the entire basin or subbasin by January 31, 2020, to avoid being designated as a probationary basin by the State Water Resources Control Board (“SWRCB”);

WHEREAS, if two or more GSAs attempt to form for the same area of a basin, the Department of Water Resources (“DWR”) and/or the SWRCB may find that overlap exists in the area, and that any such unresolved overlap creates an unmanaged area;

WHEREAS, in situations where an unmanaged area exists in a basin after July 1, 2017, Water Code section 10724 authorizes the county within which the unmanaged area lies to become the GSA for the area;

WHEREAS, the area depicted in **Exhibit A** is located within the County of Monterey (“County”) and includes Monterey County Assessor Parcel Numbers 203-011-001, 203-011-011, 203-011-019, 203-011-020;

WHEREAS, the area depicted in **Exhibit A** lies within the 180/400- Foot Aquifer Subbasin depicted on **Exhibit B** (“180/400 Subbasin”);

WHEREAS, the 180/400 Subbasin is located within the County;

WHEREAS, the 180/400 Subbasin has been designated as being subject to critical conditions of overdraft;

WHEREAS, on April 27, 2017, DWR posted the Salinas Valley Basin Groundwater Sustainability Agency’s (“SVBGSA”) GSA notice to become the GSA for the entire 180/400 Subbasin (including the area depicted in **Exhibit A**), excluding a small area covered by a GSA notice filed by Marina Coast Water District (“MCWD”) for which MCWD is the exclusive GSA;

WHEREAS, on April 26, 2018, DWR posted the City of Marina’s (“Marina”) GSA notice to become the GSA for the area depicted in **Exhibit A**;

WHEREAS, DWR takes the position that there is overlap in the 180/400 Subbasin for the area depicted in **Exhibit A** created by the GSA notice filed by the SVBGSA and the GSA notice filed by Marina, and that such overlap creates an unmanaged area;

WHEREAS, the overlap was caused by Marina’s late filed notice for the area in Exhibit A, and the overlap would not exist but for Marina’s filing;

WHEREAS, SVBGSA is a joint powers authority and a separate legal entity from the County and while the County is a voting member of the SVBGSA, the County represents only one (1) vote out of the eleven (11) member Agency;

WHEREAS, the SVBGSA’s action to establish its jurisdictional boundaries, including the area in Exhibit A, predated Marina’s filing by approximately one (1) year; and, there is no evidence that either the County or SVBGSA intentionally caused the overlap.

WHEREAS, the SVBGSA and Marina have not resolved the overlap created by their filings for the area depicted in Exhibit A;

WHEREAS, the County finds that it is in the best interest of the County and the 180/400 Subbasin for the County to exercise its right under Water Code section 10724 to become the GSA for the area depicted in **Exhibit A** and for any other unmanaged areas in the 180/400 Subbasin;

WHEREAS, the SVBGSA has prepared a GSP for the entire 180/400 Subbasin, including the area depicted in **Exhibit A**, and is collecting fees under SGMA to fund SGMA implementation in the 180/400 Subbasin;

WHEREAS, after the SVBGSA GSP prepared for the 180/400 Subbasin, is finalized, the County intends to adopt this GSP for management of the area depicted in **Exhibit A**,

WHEREAS, the County intends to enter into an agreement with the SVBGSA wherein the County, as the GSA for the area depicted in **Exhibit A**, will delegate SGMA management of such areas to the SVBGSA pursuant to the SVBGSA's GSP for the entire 180/400 Subbasin;

WHEREAS, the County finds that the adoption of this Resolution, is not a project under Title 14 California Code of Regulations, section 15378 as they will not result in any reasonably foreseeable environmental impacts, and neither the County, nor any other permitting authority is divested of future discretionary review or approval of any use of the area depicted in Exhibit A as a result of these actions. Moreover, in the event that this action is determined to constitute a project under CEQA, the action(s) would be exempt from environmental review under CEQA pursuant to CEQA Guidelines 15061(b)(3), 15307, 15308 and Water Code section 10728.6.

WHEREAS, the County noticed a public hearing as required by SGMA and Government Code section 6066 on _____, 2019, and _____, 2019;

WHEREAS, the County held a public hearing as required by SGMA on December 11, 2019 to consider becoming the GSA for the area depicted in Exhibit A

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Monterey, as follows:

Section 1. The Board hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The County hereby elects pursuant to Water Code section 10724 to be the GSA for the area of the 180/400 Subbasin depicted in **Exhibit A**, which is incorporated herein.

Section 3. The CAO or his designee is hereby authorized and directed to file a notice of formation of GSA with DWR.

Section 4. The CAO or his designee is hereby authorized and directed to submit the notice of adoption of the proposed Resolution and all information required by the Sustainable Groundwater Management Act, including but not limited to, all information required under Water Code sections 10723.8, and 10724, to DWR, and to support the development and maintenance of an interested persons list as described in Water Code section 10723.4 and a list of interested parties as described in Water Code section 10723.8(a)(4).

Section 5. Staff is authorized and directed to take any such additional actions that may be

necessary and appropriate to effectuate the County's decision to be the GSA for the area of the 180/400 Subbasin depicted in **Exhibit A**.

Section 6. The County finds that the adoption of this Resolution, is not a project under Title 14 California Code of Regulations, section 15378 as they will not result in any reasonably foreseeable environmental impacts, and neither the County, nor any other permitting authority is divested of future discretionary review or approval of any use of the area depicted in Exhibit A as a result of these actions. Moreover, in the event that this action is determined to constitute a project under CEQA, the action(s) would be exempt from environmental review under CEQA pursuant to CEQA Guidelines 15061(b)(3), 15307, 15308 and Water Code section 10728.6.

Section 7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on this ____th/rd day of _____ 2019, by the following vote,

to wit: AYES:

NOES:

ABSENT:

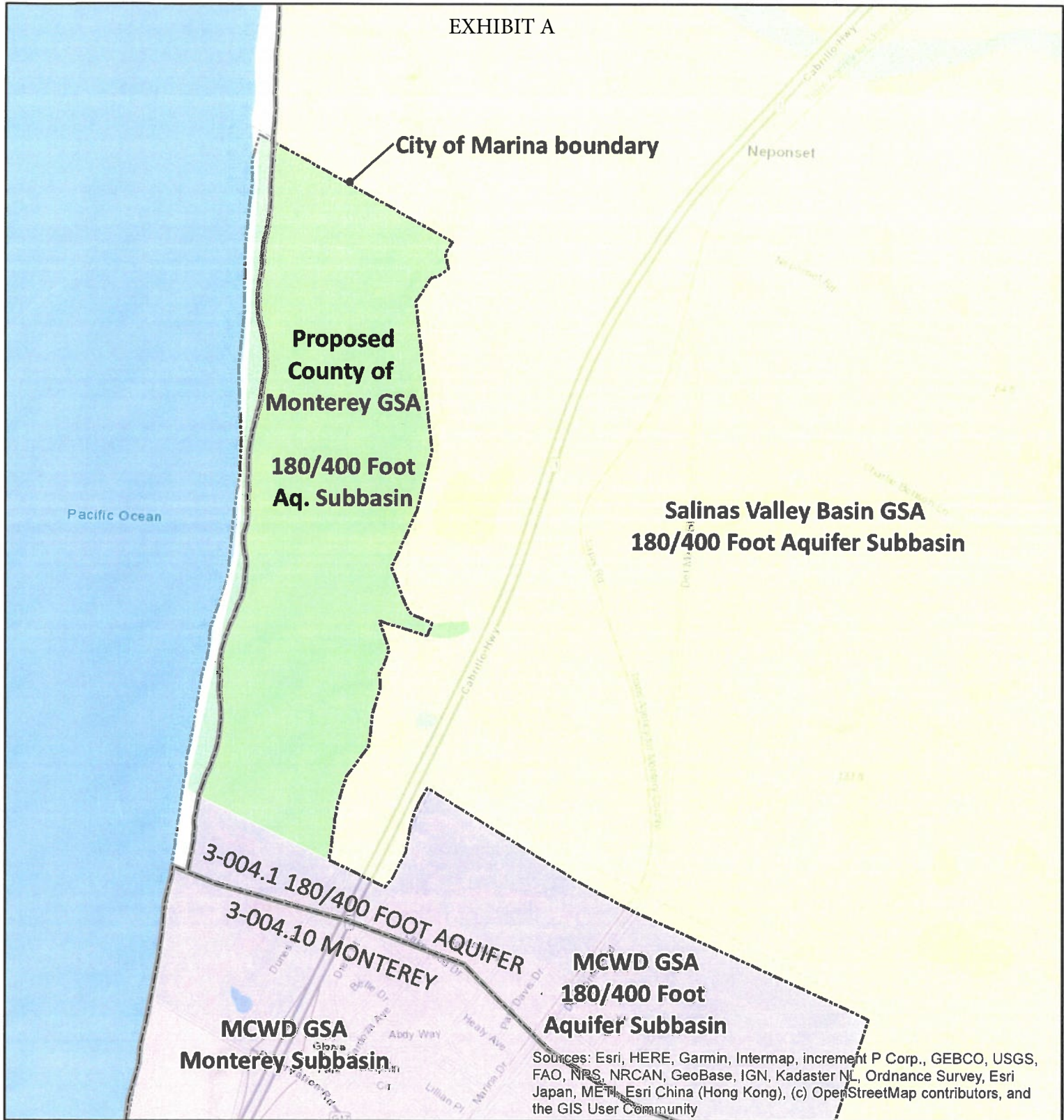
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page_of Minute Book_____, on_ _____.

Dated:






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

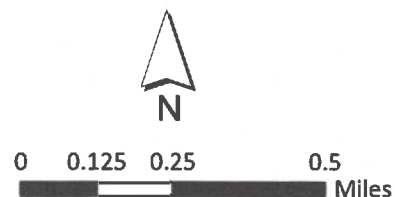
By: _____
Deputy

EXHIBIT A



Proposed County of Monterey GSA

-  Groundwater Basin Boundary (DWR B118)
-  Marina City Limits
-  Proposed County of Monterey GSA
-  Marina Coast Water District GSA
-  Salinas Valley Basin GSA



1:20,000

Map date: November 25, 2019

