

**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.**

Adopting a Resolution approving the final                    )  
Groundwater Sustainability Plan for the                        )  
180/400-foot Aquifer Subbasin for                                )  
management of the MCGSA jurisdictional                        )  
area known as CEMEX    )

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 as 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 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 to receive and consider comments on the GSP; and,

WHEREAS, following the close of the continued public hearing on January 9, 2020, the SVBGSA Board of Directors adopted a resolution approving the Groundwater Sustainability Plan for the 180/400-foot Aquifer Subbasin of the Salinas Valley Groundwater Basin, and authorizing and directing its filing with the California Department of Water Resources; and,

WHEREAS, the SVBGSA in its adoption resolution excluded the CEMEX site from its approval given, among other factors, that DWR designated the County GSA as the exclusive GSA for the CEMEX site and that the County GSA had not yet had an opportunity as the exclusive GSA to consider its own rights and responsibilities under SGMA; and,

WHEREAS, SGMA in Water code Section 10727 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, on January 28, 2020, the County GSA adopted a resolution approving a Cooperation Agreement with SVBGSA, authorizing the SVBGSA to adopt and implement the 180/400 Subbasin GSP within the County GSA's jurisdiction; and,

WHEREAS, the County GSA took further action opening a public hearing to receive public comment on the GSP, directing staff to provide the required notices to develop and adopt a GSP for the CEMEX property, and continuing the public hearing for a minimum of 90 days;

WHEREAS, on January 30, 2020, the SVBGSA Board of Directors adopted a resolution approving the Cooperation Agreement with the County GSA and,

WHEREAS, pursuant to the authorities granted under SGMA, consistent with SVBGSA's prior notices and under the terms of the Cooperation Agreement, the SVBGSA Board of Directors approved the GSP for the CEMEX site, which resulted in a single GSP for the 180/400 and filed the plan to the DWR prior to the January 31, 2020, SGMA deadline to avoid State intervention; and,

WHEREAS, the County GSA has issued the required notice(s) required by SGMA and provided affected cities and the public with a 90-day window to comment on the GSP;

WHEREAS, the County received no comments or requests to confer regarding the GSP;

WHEREAS, it is recommended that the County GSA close the public hearing and consider adoption of the GSP for 180/400 subbsasin, for management of the area where MCGSA is the exclusive GSA, commonly known as r the CEMEX site.

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 Groundwater Sustainability Plan for the 180/400 Subasin, previously adopted by the SVBGSA for management of the MCGSA jurisdictional area known as the CEMEX site, is hereby adopted.

PASSED AND ADOPTED upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and carried this 23<sup>rd</sup> day of June 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