

Monterey County

1441 Schilling Place
Saffron Room
Salinas, CA 93901



Meeting Agenda

Wednesday, October 5, 2022

8:30 AM

IMPORTANT COVID-19 NOTICE ON PAGE 2-4
AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4

Water Resources Agency Basin Management

Advisory Committee

John Baillie. Chair
Deidre Sullivan
Matthew Simis
David Bunn
Bill Lipe
Kevin Piearcy
Amy White
Marisela Cerda
Patrick Breen
Patrick Collins

**IMPORTANT NOTICE REGARDING COVID 19 AND PARTICIPATION IN THE BASIN
MANAGEMENT ADVISORY COMMITTEE MEETING**

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1. For ZOOM participation please join by computer audio at:

<https://montereycty.zoom.us/j/99621772720>

OR to participate by phone call any of these numbers below: +1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US +1 301 715 8592 US

Enter this Meeting ID number: 996 2177 2720 PASSWORD: 478310 when prompted. Please note there is no Participant Code, you will just hit # again after the recording prompts you. You will be placed in the meeting as an attendee; when you are ready to make a public comment, if joined by computer audio, please Raise your Hand; and by phone, please push *9 on your keypad.

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be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

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8. The Chair and/or Secretary may set reasonable rules as needed to conduct the meeting in an orderly manner.

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3. Si un miembro del público desea comentar sobre un artículo de la agenda en particular, se le es sumamente recomendable que envíe sus comentarios por escrito por correo electrónico a la Agencia de Administración de Recursos del Agua (Agencia) a WRAPubliccomment@co.monterey.ca.us antes de las 5:00 P. M. el Martes antes de la reunión del Comité. Para ayudar al personal de la Agencia a identificar el número del artículo de la agenda con el cual se relaciona el comentario, se solicita al público que indique la fecha de la reunión del Comité y el número del artículo de la agenda en la línea de asunto. Comentarios recibidos en la fecha límite del Martes a las 5 P.M, serán distribuidos al Comité y serán colocados en el registro.

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solicita al público que indique la fecha de la reunion del Comité y el número de agenda en la línea de asunto.

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8. El Presidente y / o Secretario pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

Call to Order

Roll Call

Public Comment

Committee Member Comments

Consent Calendar

1. Approve the Minutes of the Basin Management Advisory Committee meeting held on August 3, 2022.

Attachments: [Draft BMAC Minutes August 3, 2022](#)

Scheduled Matters

2. Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. _____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

Attachments: [Board Report](#)
[Proposed Ordinance No. _____](#)

Staff Reports

3. Update on Data Collection Activities
4. Update on Prop 1 Grant: *Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley*

Attachments: [Well Status Chart](#)

5. Update on Well Permitting Process

Attachments: [Letter and Verification Form from SVBGSA](#)

6. Update on New Monitoring Well RFB

Status Report

7. Update on Well Permit Applications

Attachments: [Well Permit Applications](#)

Calendar

8. Consider future agenda items and set next meeting date

Adjournment



Monterey County

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-062

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

Version: 1

Matter Type: WRA BMAC Item

Approve the Minutes of the Basin Management Advisory Committee meeting held on August 3, 2022.

Monterey County

1441 Schilling Place
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Meeting Minutes

Wednesday, August 3, 2022

8:30 AM

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Water Resources Agency Basin Management Advisory Committee

*John Baillie. Chair
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8. El Presidente y / o Secretario pueden establecer reglas razonables según sea necesario para llevar a cabo la reunión de manera ordenada.

Call to Order

The meeting was called to order at 8:30 a.m.

Roll Call

Present: John Baillie, Matthew Simis, David Bunn, Bill Lipe, Kevin Piearcy, Marisela Cerda, Patrick Breen
Absent: Deidre Sullivan, Amy White, Patrick Collins

Public Comment

None

Committee Member Comments

None

Consent Calendar

Upon Motion by Matthew Simis, Second by Patrick Breen the Committee approved the Consent

Calendar of the Basin Management Advisory Committee meeting.

Ayes: John Baillie, Matthew Simis, David Bunn, Bill Lipe, Kevin Pearcy, Marisela Cerda, Patrick Breen

Noes: None

Absent: Deidre Sullivan, Amy White, Patrick Collins

1. Approve the Minutes of the Basin Management Advisory Committee meeting held on July 6, 2022.

Attachments: [Draft BMAC Minutes July 6, 2022](#)

2. Consider finding, pursuant to AB 361 and in order for the Monterey County Water Resources Agency Basin Management Advisory Committee to continue meeting remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; the Basin Management Advisory Committee has reconsidered the circumstances of the state of emergency; and the Monterey County Health Officer continues to recommend social distancing measures for meetings of the legislative bodies.

Attachments: [Board Report](#)

Scheduled Matters

3. Consider receiving a report on revisions to the Salinas Valley Water Conditions Report and provide guidance to Staff on recommended changes.

Attachments: [Board Report](#)

[Salinas Valley Water Conditions Report for 3rdQtr of Water Year 21 - 22](#)

Upon Motion by Bill Lipe, and Second by Matthew Simis the Committee received the Salinas Valley Water Conditions Report and provide guidance to Staff on recommended changes.

Ayes: John Baillie, Matthew Simis, David Bunn, Bill Lipe, Kevin Pearcy, Marisela Cerda, Patrick Breen

Noes: None

Absent: Deidre Sullivan, Amy White, Patrick Collins

4. Consider receiving a report on the Groundwater Extraction Management System 2021 Groundwater Extraction Summary Report.

Attachments: [Board Report](#)

[2021 Groundwater Extraction Summary Report - Provisional](#)

Upon Motion by Bill Lipe, and Second by Matthew Simis the Committee received the Groundwater Extraction Management System 2021 Groundwater Extraction Summary Report.

Ayes: John Baillie, Matthew Simis, David Bunn, Bill Lipe, Kevin Pearcy, Marisela Cerda, Patrick Breen

Noes: None

Absent: Deidre Sullivan, Amy White, Patrick Collins

Staff Reports

5. Update on Data Collection Activities
6. Update on Prop 1 Grant: *Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley*

Attachments: [Well Status Chart](#)

7. Update on Model Financing
8. Update on Well Permitting Process
9. Update on Well Permit Applications

Calendar

10. Consider future agenda items and set next meeting date

Adjournment

The meeting was adjourned at 9:43 a.m.



Monterey County

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-069

October 05, 2022

Introduced: 9/27/2022

Current Status: Agenda Ready

Version: 1

Matter Type: WRA BMAC Item

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. ____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

RECOMMENDATION:

It is recommended that the Basin Management Advisory Committee:

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. ____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

SUMMARY/DISCUSSION:

Monterey County Water Resources Agency ("MCWRA") Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. Ordinance No. 03790 prohibits and otherwise restricts pumping from groundwater wells in Zone 2B, and it provides for the classification of various wells, for the maintenance and limited operation of standby wells, and for the destruction of abandoned wells, contaminated wells, wells that allow cross-contamination of aquifers, and other wells.

Ordinance No. 03790 establishes a procedure for the destruction of wells and, with regard to destruction of certain wells, Sections 1.03.04 and 1.03.05 state that MCWRA shall bear the costs of destroying certain wells within Zone 2B. Per Ordinance No. 03790, the schedule for destruction of wells may be extended by the MCWRA General Manager based on availability of funds in MCWRA's budget.

In October 2017, MCWRA issued the report "Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin" ("Recommendations Report") which, among other things, suggested initiating and diligently proceeding with destruction of wells in Zone 2B to eliminate anthropogenic conduits facilitating the movement of impaired groundwater between aquifers. MCWRA did not have available funding to begin well destruction work at the time the Recommendations Report was released.

In June 2020, MCWRA entered into grant agreement D1912532 (“Grant”) with the State Water Resources Control Board to partially fund the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project (“Project”), the purpose of which is to destroy a minimum of 100 wells to prevent conduits that allow vertical migration of seawater- and nitrate-contaminated groundwater into aquifers of the Salinas Valley Groundwater Basin.

The Grant provides 54% of the funding for well destructions in the Project area, which includes the entirety of Zone 2B, thereby offsetting direct costs to MCWRA for the destruction of certain wells required pursuant to Ordinance No. 03790 during the Grant term. The remaining 46% of the Project costs totaling \$4,197,795 will be satisfied through MCWRA in-kind services and contributions from the Cannabis Assignment Fund, Castroville Community Services District, and Monterey One Water. All work under the Grant must be completed by February 28, 2023.

After the Project’s Work Completion Date on February 28, 2023, some wells will remain in Zone 2B for reasons including, but not limited to: ineligibility for destruction as part of the Project; well owner appeal of MCWRA’s decision to destroy the well; owner was non-responsive during MCWRA’s fifteen (15) months of outreach efforts; well owner has declined to sign the well permit application form that is necessary for MCWRA to initiate destruction of a well; or the well is exempt from destruction pursuant to Section 1.03.02 of Ordinance No. 03790.

MCWRA does not have a budgeted funding source for destruction of wells once the Project concludes and, pursuant to a 2003 Settlement Agreement between MCWRA and a group of Salinas Valley landowners, MCWRA is unable to increase assessments in Zones 2Y and 2Z to finance implementation of Ordinance No. 03790, which includes well destruction efforts.

This amendment divests MCWRA of the responsibility for implementing and bearing the costs of destruction of wells in Zone 2B following the Work Completion Date of the Grant (Attachment 1). Property owners and growers in Zone 2B who are electing to maintain and operate wells in conformance with Ordinance No. 03790, or who have chosen not to have their well destroyed as part of the Project through a direct statement or non-responsiveness, will assume full responsibility for destruction of their wells including bearing the cost of destruction.

OTHER AGENCY INVOLVEMENT:

The County Counsel’s office has reviewed the proposed ordinance.

FINANCING:

Once the term of the Grant is over, MCWRA does not have funding budgeted for well destruction. Based on the status of wells in the Project area and an estimate using current Project costs, MCWRA could incur a minimum of \$5,600,000 in future well destruction costs if Ordinance No. 03790 is not amended.

Prepared by: Amy Woodrow, Senior Water Resources Hydrologist, (831) 755-4860
Approved by: Brent Buche, General Manager, (831) 755-4860

Attachments:

1. Proposed Ordinance No. _____ (tracked changes)



Monterey County

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-069

October 05, 2022

Introduced: 9/27/2022

Current Status: Agenda Ready

Version: 1

Matter Type: WRA BMAC Item

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RECOMMENDATION:

It is recommended that the Basin Management Advisory Committee:

Support recommending that the Board of Directors of the Monterey County Water Resources Agency recommend that the Board of Supervisors of the Monterey County Water Resources Agency approve Ordinance No. ____ amending Ordinance No. 03790 concerning the destruction of groundwater wells in MCWRA's Zone 2B.

SUMMARY/DISCUSSION:

Monterey County Water Resources Agency ("MCWRA") Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. Ordinance No. 03790 prohibits and otherwise restricts pumping from groundwater wells in Zone 2B, and it provides for the classification of various wells, for the maintenance and limited operation of standby wells, and for the destruction of abandoned wells, contaminated wells, wells that allow cross-contamination of aquifers, and other wells.

Ordinance No. 03790 establishes a procedure for the destruction of wells and, with regard to destruction of certain wells, Sections 1.03.04 and 1.03.05 state that MCWRA shall bear the costs of destroying certain wells within Zone 2B. Per Ordinance No. 03790, the schedule for destruction of wells may be extended by the MCWRA General Manager based on availability of funds in MCWRA's budget.

In October 2017, MCWRA issued the report "Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin" ("Recommendations Report") which, among other things, suggested initiating and diligently proceeding with destruction of wells in Zone 2B to eliminate anthropogenic conduits facilitating the movement of impaired groundwater between aquifers. MCWRA did not have available funding to begin well destruction work at the time the Recommendations Report was released.

In June 2020, MCWRA entered into grant agreement D1912532 (“Grant”) with the State Water Resources Control Board to partially fund the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project (“Project”), the purpose of which is to destroy a minimum of 100 wells to prevent conduits that allow vertical migration of seawater- and nitrate-contaminated groundwater into aquifers of the Salinas Valley Groundwater Basin.

The Grant provides 54% of the funding for well destructions in the Project area, which includes the entirety of Zone 2B, thereby offsetting direct costs to MCWRA for the destruction of certain wells required pursuant to Ordinance No. 03790 during the Grant term. The remaining 46% of the Project costs totaling \$4,197,795 will be satisfied through MCWRA in-kind services and contributions from the Cannabis Assignment Fund, Castroville Community Services District, and Monterey One Water. All work under the Grant must be completed by February 28, 2023.

After the Project’s Work Completion Date on February 28, 2023, some wells will remain in Zone 2B for reasons including, but not limited to: ineligibility for destruction as part of the Project; well owner appeal of MCWRA’s decision to destroy the well; owner was non-responsive during MCWRA’s fifteen (15) months of outreach efforts; well owner has declined to sign the well permit application form that is necessary for MCWRA to initiate destruction of a well; or the well is exempt from destruction pursuant to Section 1.03.02 of Ordinance No. 03790.

MCWRA does not have a budgeted funding source for destruction of wells once the Project concludes and, pursuant to a 2003 Settlement Agreement between MCWRA and a group of Salinas Valley landowners, MCWRA is unable to increase assessments in Zones 2Y and 2Z to finance implementation of Ordinance No. 03790, which includes well destruction efforts.

This amendment divests MCWRA of the responsibility for implementing and bearing the costs of destruction of wells in Zone 2B following the Work Completion Date of the Grant (Attachment 1). Property owners and growers in Zone 2B who are electing to maintain and operate wells in conformance with Ordinance No. 03790, or who have chosen not to have their well destroyed as part of the Project through a direct statement or non-responsiveness, will assume full responsibility for destruction of their wells including bearing the cost of destruction.

OTHER AGENCY INVOLVEMENT:

The County Counsel’s office has reviewed the proposed ordinance.

FINANCING:

Once the term of the Grant is over, MCWRA does not have funding budgeted for well destruction. Based on the status of wells in the Project area and an estimate using current Project costs, MCWRA could incur a minimum of \$5,600,000 in future well destruction costs if Ordinance No. 03790 is not amended.

Prepared by: Amy Woodrow, Senior Water Resources Hydrologist, (831) 755-4860
Approved by: Brent Buche, General Manager, (831) 755-4860

Attachments:

1. Proposed Ordinance No. _____ (tracked changes)

ORDINANCE NO. _____

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
AMENDING ORDINANCE NO. 03790 CONCERNING THE DESTRUCTION OF
GROUNDWATER WELLS IN MCWRA'S ZONE 2B**

County Counsel Summary

MCWRA's Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. This ordinance amends Ordinance No. 03790 to divest the Monterey County Water Resources Agency of the responsibility for implementing and bearing the cost of destruction of wells in Zone 2B following completion of the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley Project and instead require that destruction of wells be the responsibility of the property owner or well owner.

The Board of Supervisors of the Monterey County Water Resources Agency hereby ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. The Legislature created the Monterey County Water Resources Agency ("MCWRA") through the Monterey County Water Resources Agency Act ("Agency Act") to address the problem of seawater intrusion, provide flood protection, protect and augment ground and surface water supplies and water quality within the Salinas Valley.

B. MCWRA's Ordinance No. 03790 was adopted by the MCWRA Board of Supervisors on November 8, 1994. Ordinance No. 03790 provides for the management of all groundwater wells within the Castroville Seawater Intrusion Project ("CSIP") area, known as Zone 2B, following completion and start-up of CSIP. The Ordinance prohibits and otherwise restricts pumping from groundwater wells in Zone 2B, and it provides for the classification of the various wells, for the maintenance and limited operation of standby wells, and for the destruction of abandoned wells, contaminated wells, wells that allow cross-contamination of aquifers in intruded areas, and other wells.

C. Ordinance No. 03790 establishes a procedure for the destruction of wells, a variance procedure, an appeals procedure, and penalties for violations of the Ordinance. With regard to destruction of wells, Sections 1.03.04 and 1.03.05 state that MCWRA shall bear the costs of destroying certain wells within Zone 2B.

D. In October 2017, MCWRA issued a report with recommendations to slow or halt further seawater intrusion in the Salinas Valley Groundwater Basin (MCWRA, *Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley*

Groundwater Basin, Special Reports Series 17-01, October 2017; hereafter “Recommendations Report”). The Recommendations Report suggested initiating and diligently proceeding with destruction of wells in Zone 2B.

E. On May 19, 2020, the MCWRA Board of Supervisors approved entering into a funding agreement with the State Water Resources Control Board (“SWRCB”) to receive and implement a Proposition 1 grant for the destruction of wells in the Salinas Valley Groundwater Basin.

F. In June 2020, MCWRA entered into grant agreement D1912532 with the SWRCB to partially fund the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project (“Project”), the purpose of which was to destroy abandoned wells to prevent conduits that allow vertical migration of seawater and nitrate contaminated groundwater into the aquifers of the Salinas Valley Groundwater Basin.

G. Grant agreement D1912532 with the SWRCB provides 54% of the funding for well destructions completed in the Project area, which includes the entirety of MCWRA Zone 2B, thereby offsetting direct costs to MCWRA for the destruction of wells required pursuant to Sections 1.03.04 and 1.03.05 of Ordinance No. 03790.

H. MCWRA has conducted fifteen months of outreach during the Project, including verbal presentations to stakeholder groups and written notifications, pursuant to Section 1.03.06 of Ordinance No. 03790, to well owners and well operators for specific wells that were identified for destruction.

I. After the Project’s Work Completion Date on February 28, 2023, some wells will remain in Zone 2B for reasons including, but not limited to: ineligibility for destruction as part of the Project; well owner appeal of MCWRA’s decision to destroy the well; owner was non-responsive to MCWRA’s outreach efforts; well owner has declined to sign the well permit application form that is necessary for MCWRA to initiate destruction of a well; or well is exempt from destruction pursuant to Section 1.03.02 of Ordinance No. 03790.

J. MCWRA does not have a funding source for destruction of wells once the Project concludes. Therefore, property owners and growers in Zone 2B who are electing to maintain and operate wells in conformance with Ordinance No. 03790, or who have chosen not to have their wells destroyed as part of the Project through a direct statement or non-responsiveness, will assume full responsibility for destruction of their wells, including bearing the cost of destruction.

SECTION 2. Section 1.03.04 of Ordinance No. 03790 is hereby amended to read as follows:

Each well meeting any of the criteria set forth below, other than wells which are required to be destroyed pursuant to Section 1.03.03, shall be destroyed by ~~MCWRA~~the property owner or well owner within two years after ~~start-up of the Castroville Seawater Intrusion Project~~the Work Completion Date of the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley Project on February 28, 2023 or as otherwise amended. ~~All costs for destruction~~

~~of such wells shall be borne by the MCWRA. The General Manager may extend the time for destruction of such wells when funds are not available or budgeted for such purpose. The criteria for such wells are as follows:~~

A. Any well that is found by the General Manager to be perforated in both the 180-foot aquifer and any underlying aquifer; ~~or -~~

B. Any well that is found by the General Manager to have perforations in two aquifers, improper seals, or other improper construction or condition of the well, such that the well provides an actual or potential conduit for water in a seawater intruded area of an aquifer to enter a non-intruded area of a separate aquifer.

SECTION 3. Section 1.03.05 of Ordinance No. 03790 is hereby amended to read as follows:

Each well that is not exempt from destruction, and that is not required to be destroyed pursuant to section 1.03.03 or 1.03.04, shall be destroyed ~~pursuant to this section in conformity with a schedule adopted by the MCWRA Board of Directors. Said schedule shall provide that the destruction of such wells shall not begin (a) until the Castroville Seawater Intrusion Project has established a satisfactory record of water deliveries, as determined by the Board of Directors, or (b) until at least one years after the start up of the Castroville Seawater Intrusion Project, whichever occurs later within two years following after the Work Completion Date completion of the Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley project on February 28, 2023 or as otherwise amended.~~

~~Said schedule may provide for destruction to be completed within three years after project start-up. The Board of Directors may delegate authority to the General Manager to amend the schedule from time to time. Said wells shall be destroyed by the MCWRA property owner or well owner in accordance with the methods prescribed or referenced in Monterey County Code Chapter 15.08. The MCWRA shall bear the cost of such destruction.~~

SECTION 4. Section 1.03.06 of Ordinance No. 03790 is hereby repealed in its entirety.
~~Procedure for Destruction of Wells~~

~~At least 90 days before the MCWRA destroys any particular well, the General Manager shall give written notice to the owner of the well that the well will be destroyed. Notice shall be deemed sufficient if sent by registered or certified U.S. mail, return receipt requested, to the name and address shown as that of the owner of the real property on which the well is located, in the latest available official records of the Monterey County Assessor. The notice shall identify the well in question and the property on which it is located and shall advise the owner of the proposed action to be taken, the proposed timing of the action, and his or her right of appeal as provided herein. The notice shall further state that if the property on which the well is located is leased, the owner must provide a copy of the notice to the tenant, and tenant on the property will also have a right of appeal.~~

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Chair Supervisor Mary L. Adams
Monterey County Board of Supervisors

A T T E S T:
Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

Kelly L. Donlon
Assistant County Counsel



Monterey County

Item No.3

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-063

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

Version: 1

Matter Type: WRA BMAC Item

Update on Data Collection Activities



Monterey County

Item No.4

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-064

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

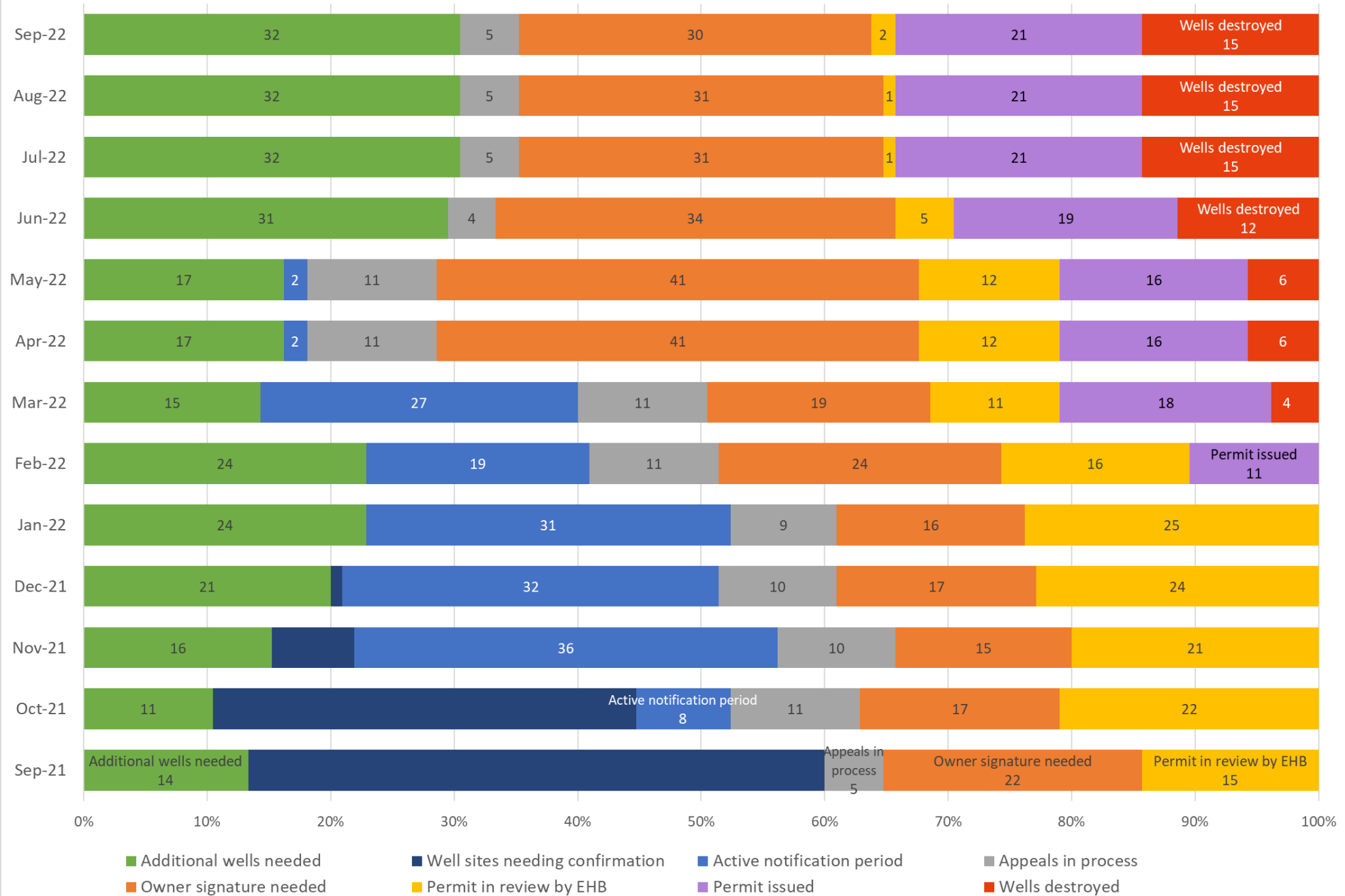
Version: 1

Matter Type: WRA BMAC Item

Update on Prop 1 Grant: *Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley*

Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley Project
Well Status Update - September 2022

Chart Date 09/27/22





Monterey County

Item No.5

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-065

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

Version: 1

Matter Type: WRA BMAC Item

Update on Well Permitting Process

September 13, 2022

Chair John Baille
Monterey County Water Resources Agency Board of Directors
Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
Salinas, California 93901

RE: RE: Governor's Executive Order N-7-22 Compliance by Salinas Valley Basin Groundwater Sustainability Agency

On March 28, 2022, Governor Newsom issued Executive Order N-7-22 addressing continuing drought conditions in California. Paragraph 9 of the Executive Order creates a role for groundwater sustainability agencies ("GSAs") in the groundwater well permitting process, a role of which GSAs have heretofore not played. Paragraph 9 (a) provides, in relevant part, that a well permitting agency shall not "[a]pprove a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by the Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan."

In Monterey County the Salinas Valley Groundwater Sustainability Agency (SVBGSA) serves as the managing groundwater sustainability agency for the 180/400-Foot Aquifer Subbasin, the Eastside Subbasin, the Langley Subbasin, the Forebay Subbasin and the Upper Valley Subbasin. SVBGSA also is the managing GSA for the Corral de Tierra Management Area of the Monterey Subbasin. It should be noted that the Executive Order provides that paragraph 9 does not apply to "permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code," the latter being a system with 15 or more service connections or that regularly serves at least 25 individuals daily at least 60 days out of the year.

The County of Monterey, Environmental Health Bureau ("EHB"), is the primary well permitting agency, and the Monterey County Water Resources Agency provides support in the form of serving as a technical consultant to the County for well permit requests. Some cities in Monterey County retain well permitting authority as well. Pursuant to the case *Protecting our Water and*

Environmental Resources et al. v. County of Stanislas, et al., 10 Cal. 5th 479 (2020), a well permitting agency such as the County of Monterey is required to consider whether a well permit application must undergo some level of environmental review under the California Environmental Quality Act (“CEQA”); and such environmental review, if required, may aid in complying with the Executive Order.

At the direction required by Executive Order N-7-22, the SVBGSA Board of Directors adopted a resolution on August 11th, 2022 in response to the Executive Order. The resolution directs the SVBGSA General Manager to inform the County of Monterey of the procedures for compliance with Executive Order N-7-22.

There are six Groundwater Sustainability Plans (GSPs) within SVBGSA’s jurisdiction and three other Groundwater Sustainability Agencies: Arroyo Seco GSA, Marina Coast GSA and Monterey County GSA. Each GSA has the responsibility to discharge the verification in compliance with EO N-7-22 within their jurisdiction and management areas. Each GSP describes sustainable management criteria and sets forth a menu of management actions and projects, including demand management if needed, that can be implemented to achieve or maintain sustainability in a subbasin as required by SGMA, and maintain it thereafter. All of these elements, along with required GSP annual reports and updates, constitute the “sustainability program” for each subbasin as mentioned in the Executive Order.

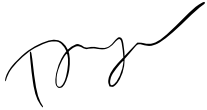
The SVBGSA August 11th, 2022 resolution outlines the following process for compliance with the Executive Order that will apply to the area of SVBGSA jurisdiction and management in the Monterey Subbasin outside of the Marina-Ord Management Area and within the Corral de Tierra Management Area, the Forebay Aquifer Subbasin outside of the Arroyo Seco Cone Management Area, the 180/400-Foot Aquifer Subbasin outside of the County of Monterey GSA jurisdiction, and the Eastside Aquifer, Upper Valley Aquifer and Langley Area Subbasins.

- The General Manager or Deputy General Manager, in consultation with appropriate consultants, experts and Agency Counsel, are authorized and directed to provide the appropriate response to a well permitting agency upon referral to the SVBGSA of a well permit application that is subject to Executive Order N-7-22, including providing an opinion as to whether a well is “not likely to cause subsidence that would adversely impact or damage nearby infrastructure” as required by paragraph 9 (b) of the Executive Order.
- The response described in [the first bullet] shall not be provided unless and until the appropriate well permitting agency has determined whether the well permit application is to undergo environmental review pursuant to CEQA, and has informed the SVBGSA of either the results of the environmental review or that the application does not need environmental review.
- A response to a well permitting agency shall be in the form of the template attached, modified as may be appropriate for unique circumstances in the judgement of the General Manager, Deputy General Manager and Agency Counsel, and shall be issued within ten (10) days of receipt of the completed template from the applicant, unless additional time is necessary for unique circumstances in which case the General Manager shall consult with the well permitting agency on the response.

The SVBGSA worked with staff from the Environmental Health Bureau and Monterey County Water Resources Agency in developing a compliance pathway to achieve the intent of the Executive Order and the actions proposed to be implemented by SVBGSA. Additionally, SVBSGA has developed an appropriate fee to be charged to each applicant for review and

response required by the Executive Order and this process will be in effect while the Executive Order remains in effect. The verification template is attached for your reference. Please let the SVBGSA know if you have any questions. I can be reached at (831) 535-3979 or meyersd@svbgsa.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna Meyers', with a long, sweeping horizontal line extending to the right.

Donna Meyers
General Manager, Salinas Valley Basin Groundwater Sustainability Agency

**SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY
VERIFICATION IN COMPLIANCE WITH EXECUTIVE ORDER N-7-22**

*The following must be completed, signed, and submitted for each well permit application for a new or altered well that is subject to the Governor's Executive Order N-7-22. A copy of the permit application must be attached. Permits for new or altered wells cannot be approved by the County of Monterey ("County") without this form. This Verification Form is not required for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code. **Applicants are strongly encouraged to review the Sustainable Groundwater Management Act, California Water Code section 10720 et seq. The Act can be accessed at [sgma 20190101.pdf \(ca.gov\)](https://leginfo.ca.gov/pub/07_01/sgma_20190101.pdf).***

Permit Application No.	Date Submitted to County:	Date Received by SVBGSA
Site Location (address, subbasin, and, if applicable, management area):		APN:
Property Owner Name:		Driller Business Name:

Property Owner acknowledgment (please check each box upon acknowledgment with each statement; all must be checked for the SVBGSA to provide the verification):

- ☐ I acknowledge that the Sustainable Groundwater Management Act ("SGMA") requires that the Salinas Valley Basin Groundwater Sustainability Agency ("SVBGSA") manage groundwater in the _____ Subbasin.
- ☐ I acknowledge that a well permit issued by the County of Monterey does not guarantee the extraction of any specific amount of water now or in the future.
- ☐ I acknowledge and agree that the SVBGSA is not responsible for or otherwise liable for any costs, investments or payments related to any groundwater well permitted pursuant to Application No. _____, including but not limited to construction costs, costs associated with well failure, and increased maintenance or operational costs.
- ☐ If the SVBGSA provides the required verification to the County of Monterey, and the County issues a permit in response to Application No. _____, I

agree to hold the SVBGSA harmless and indemnify the SVBGSA for any liability arising from or related to the issuance of the well permit.

- ☐ I agree to pay \$586.85 the SVBGSA to review Application No. _____ for compliance with Executive Order N-7-22. The SVBGSA will send an invoice to the Property Owner upon receipt of the Verification Form signed by the Property Owner and signed by the County of Monterey.
Email address (for SVBGSA invoice): _____
Physical mailing address (for SVBGSA invoice): _____

Printed Name: _____

Signature: _____ Date: _____

County of Monterey CEQA Determination:

- ☐ The County of Monterey has reviewed the attached permit application pursuant to the California Environmental Quality Act (CEQA) and made the following CEQA determination:
- ___ The application is statutorily exempt from CEQA
- ___ The application is categorically exempt from CEQA
- ___ The County has adopted a Negative Declaration (attach or provide electronic link to the adopted Negative Declaration)
- ___ The County has adopted a Mitigated Negative Declaration (attach or provide electronic link to the adopted Mitigated Negative Declaration)
- ___ The County has certified an Environmental Impact Report (attach or provide electronic link to the EIR)
- ___ The County has considered an Addendum to a previously certified EIR (attach or provide electronic link to the EIR and Addendum)
- ___ The County, acting as a responsible agency, has considered and relied upon the following environmental review document: (describe and attach or provide electronic link to the document)

___ Other [describe and attach or provide link to the environmental review document relied upon by County]

This verification by the County does not constitute approval of the permit, denial of the permit, or other action with respect to issuance of the permit.

Printed Name: _____

Signature: _____ Date: _____

SVBGSA Determinations (check all that apply):

☐ Extraction of groundwater by the well proposed in the above described well permit application will not be inconsistent with the sustainability program in the SVBGSA's adopted Groundwater Sustainability Plan ("GSP") for the _____ Subbasin (consisting of the Sustainable Management Criteria, Management Actions and Projects in the GSP), will not otherwise decrease the likelihood of achieving a sustainability goal for the Subbasin, and the owner of the proposed well must comply with all SVBGSA rules, regulations, and ordinances.

☐ Extraction of groundwater by the well proposed in the above described well permit application will be inconsistent with the sustainability program with the sustainability program in the SVBGSA's adopted GSP for the _____ Subbasin, or will otherwise decrease the likelihood of achieving a sustainability goal for the Subbasin, for the following reasons:

[Additional Text to be attached as **Attachment A** to this Form]

☐ The proposed well [is] [is not] likely to cause subsidence that would adversely impact or damage nearby infrastructure.

☐ The proposed well is not subject to Executive Order N-7-22.

The verification provided herein is based on the information contained in the well permit application, and on the property owner's and County's representations set forth above. The verification is made only upon information known at the time it is made.

Comments:

SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY

Signature: _____ Date: _____

Printed Name: _____

Title _____



Monterey County

Item No.6

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-066

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

Version: 1

Matter Type: WRA BMAC Item

Update on New Monitoring Well RFB



Monterey County

Item No.7

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-067

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

Version: 1

Matter Type: WRA BMAC Item

Update on Well Permit Applications

Well Permit Application Activities Update

SUMMARY/DISCUSSION:

In support of Monterey County's Well Permit Application Program the Agency acts as technical advisor to the program's lead agency, the Environmental Health Bureau (EHB). In accordance with a 1991 interdepartmental Memorandum of Agreement between the Agency and EHB, the Agency performs a comprehensive review process on well permit applications for new wells pumping five acre-feet of water or more per year, as well as for proposed well destructions and repairs.

The Agency provides review and/or advisement to EHB within five (5) business days of receiving new well permit applications. The Agency has provided EHB a review within 3.1 business days, on average, for permits received in August 2022, and 2.6 business days for Fiscal Year 2022/2023. The Agency also reviews final well designs and annular seal depth proposals on an on-going basis and is committed to providing a response to EHB within twenty-four (24) hours of receiving design proposals.

The Agency receives funds that cover staff time for well application review, well completion report processing, and database maintenance from fees collected by EHB. The Agency's fees are defined in Article XI of the Monterey County Fee Resolution.

The Agency conducts a well impact assessment for non-replacement domestic and high-capacity wells in fulfillment of the County's mandate to implement policies of the 2010 Monterey County General Plan. This month, none of the well impact assessments performed indicated potential for significant adverse impacts to existing domestic wells, water system wells, or in-stream flows.

Table 1 (attached) provides a summation of well permit applications received in the last month for evaluation by Agency staff, categorized by permit type, Agency management area, and aquifer unit. Also included is a tabulation of new well applications reviewed for the fiscal year. This table is provided to the Board of Directors and Basin Management Advisory Committee on a monthly basis.

Publication of the Agency's Report, "Recommendations To Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin (October, 2017) and subsequent adoption of Interim Urgency Ordinance 5302 and Ordinance 5303 by the Monterey County Board of Supervisors (May 22, 2018 and June 26, 2018, respectively) have led to increased interest in data related to wells in and extractions from the Deep Aquifers (Figure 1).

Figure 2 depicts the history of well installation in the Deep Aquifers by water use category. As illustrated in the chart, a total of fifty-seven (57) wells have been installed in the Deep Aquifers since 1974, with twenty-two (22) of those wells being constructed in the last ten years, including ten (10) within the last three years. Figure 2 includes a tabular historical summary of reported annual Deep Aquifer well extractions by water use category.

Three (3) additional permit applications have been submitted for new Deep Aquifers wells but construction has not been completed as of the date of this report. The proposed wells were applied for as replacement wells after the expiration of Ordinance No. 5302, which expired on May 21, 2020.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

None

Prepared by: Nicole Koerth, Hydrologist, (831) 755-4860

Attachments:

Table 1 - Summary of Well Permits Received

Figure 1- Map showing Deep Aquifer Wells

Figure 2 - Timeline of Well Installation in the Deep Aquifers with Summary of Deep Aquifer Groundwater Extractions

Well Permits Received August 2022

Permit Type

- △ Construction- High Capacity Agricultural
- ▽ Construction- Non High Capacity Agricultural
- Construction-Domestic
- + Construction-Other
- Destruction
- ◇ Other
- ⬠ Repair

Subarea

- 180-Ft Aquifer
- 400-Ft Aquifer
- Deep Aquifers
- East Side
- Forebay
- Upper Valley
- Outside Zone 2C or defined GW Basin

Zone 2C

CA 118 Grounwater basins in Monterey County

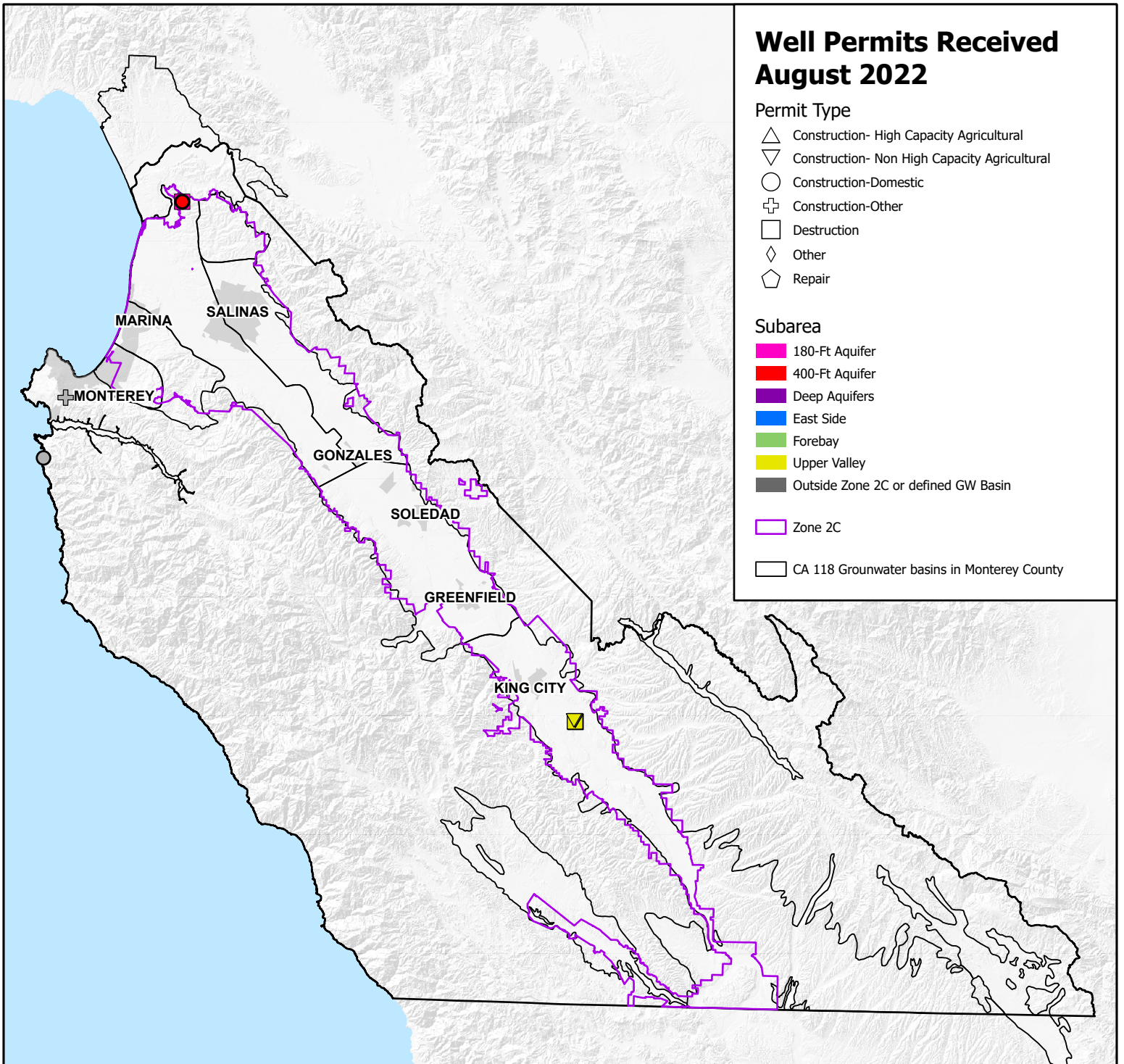


Table 1. Well Permit Applications Received by Category - August, 2022

Subarea/ Aquifer	Construction: Agricultural		Construction: Domestic	Construction: Other	Destruction	Repair	Other	Monthly Total
	High Capacity	Non High Capacity						
180-Ft Aquifer					1			1
400-Ft Aquifer			1					1
Deep Aquifers								
East Side								
Forebay								
Upper Valley		3			3			6
Outside Zone 2C, Undefined GW Basin		1	1					2
Total	4	2	2		4			10

Figure 1

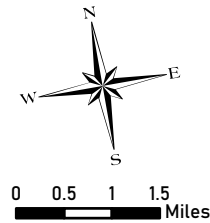
Legend

Deep Aquifer Wells

By Use, Labeled by Year Constructed

- Agricultural
- Municipal
- Industrial
- Domestic
- Monitoring

Area of Impact



Monterey County
Water Resources Agency

Date: 9/6/2022

4 Monitoring Wells
constructed in 2000

2 Monitoring Wells
constructed in 2005

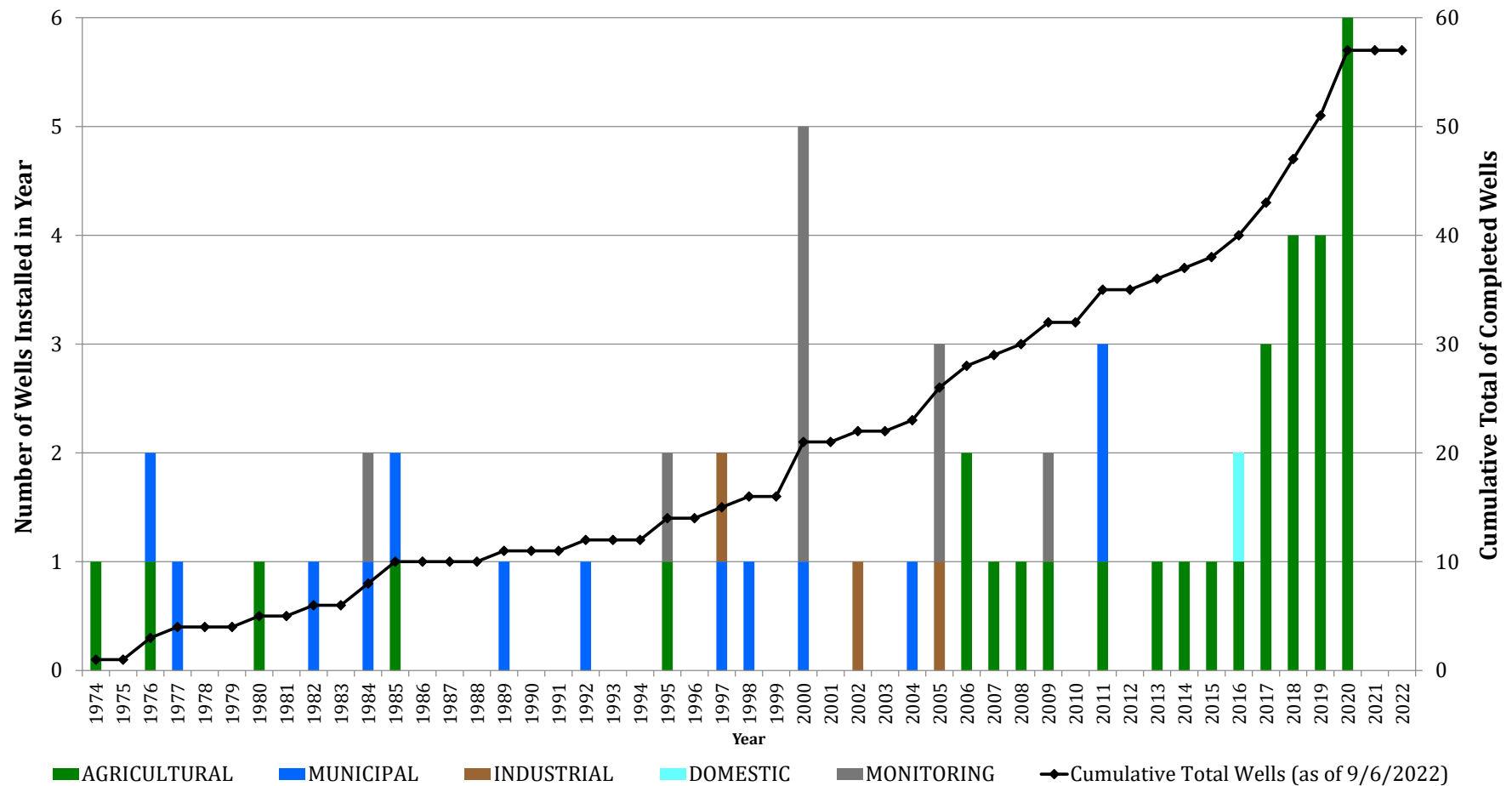
2 Municipal Wells
constructed in 1998 and 2000



Source: MCWRA
Date: 9/6/2022

Figure 2

Timeline of Well Installation in Deep Aquifers of the 180/400 Foot Aquifer Subbasin



Deep Aquifers Groundwater Extraction History Since 1993*

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2,054	1,992	2,036	2,137	2,170	1,906	2,056	2,302	2,355	2,399	2,366	2,442	2,358	2,005	1,738	2,004	2,102	1,903	1,803	2,044	1,989	3,784	3,746	3,788	4,116	4,605	4,820	4,264	4,216
1,507	2,620	2,302	1,990	2,556	1,648	96	1	0	0	0	0	0	0	58	384	696	982	927	1,397	1,097	2,031	2,010	4,194	4,834	4,749	5,331	6,996	8,820
0	0	0	0	0	0	0	3	13	17	379	305	343	336	393	371	348	333	370	380	523	620	617	569	567	291	196	84	42
3,561	4,612	4,338	4,127	4,725	3,554	2,151	2,307	2,368	2,416	2,745	2,747	2,701	2,341	2,189	2,759	3,146	3,218	3,100	3,821	3,608	6,436	6,373	8,551	9,516	9,645	10,347	11,344	13,079

* Notes: Table includes all reported extraction data for the forty-five (45) Deep Aquifer production wells that have reported extractions since inception of the Agency's GEMS program in 1993. Data are reported in acre-feet. Colors denote water use category (Municipal, Agricultural, Industrial).



Monterey County

Item No.8

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRABMAC 22-068

October 05, 2022

Introduced: 9/27/2022

Current Status: Draft

Version: 1

Matter Type: WRA BMAC Item

Consider future agenda items and set next meeting date