

Monterey County

*Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Meeting Agenda - Final

Monday, September 21, 2020

12:00 PM

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

Water Resources Agency Board of Directors

*Chair Richard Ortiz
Vice-Chair John Baillie
Mark Gonzalez
Deidre Sullivan
Ken Ekelund
Mike Scattini
Mike LeBarre
Jason Smith
Matt Simis*

Important Notice Regarding COVID-19

Pursuant to Governor Newsom's Executive Order No. N-25-20, any or all Directors may participate in the meeting by telephone or video conference.

Based on guidance from the California Department of Public Health and the California Governor's Office, in order to minimize the spread of the COVID 19 virus, please do the following:

1. You are strongly encouraged to observe the live stream of the Board of Directors meetings at http://monterey.granicus.com/ViewPublisher.php?view_id=19 or <http://www.mgtvonline.com/>
2. If you choose not to attend the Board of Directors meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Friday before the meeting. Please submit your comment to the Secretary of the Board at WRAPubliccomment@co.monterey.ca.us In an effort to assist the Secretary in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Directors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.
3. If you are watching the live stream of the Board meeting and wish to make either a general public comment for items not on the day's agenda or to comment on a specific agenda item as it is being heard, please submit your comment, limited to 250 words or less, to the Secretary of the Board at WRAPubliccomment@co.monterey.ca.us In an effort to assist the Secretary in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Directors Agenda) and item number (i.e. Item No. 10). Every effort will 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.
4. For ZOOM participation please join by computer audio at:
<https://montereycty.zoom.us/j/96838774243>
OR to participate by phone call any of these numbers below:
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+1 301 715 8592 US
Enter this Meeting ID number: 968 3877 4243 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.

5. If you attend the Board of Director meeting in person, you will be required to maintain appropriate social distancing, i.e., maintain a 6-foot distance between yourself and other individuals.

Aviso Importante Sobre COVID-19

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Basado en la guía del Departamento de Salud del Estado de California (California Department of Public Health) y de la Oficina del Gobernador, para minimizar la propagación del virus COVID 19, por favor haga lo siguiente:

1. Se le recomienda firmemente que observe la transmisión de la reunión de la Junta Directiva en vivo por http://monterey.granicus.com/ViewPublisher.php?view_id=19 o <http://www.mgtvonline.com/>

2. Si prefiere no asistir a la reunión de la Junta Directiva pero desea hacer un comentario sobre algún tema específico de la agenda, por favor envíe su comentario por correo electrónico antes de las 5:00 p.m. el Viernes antes de la reunion. Envíe su comentario al Secretario de la junta al correo electronico WRAPubliccomment@co.monterey.ca.us <mailto:WRAPubliccomment@co.monterey.ca.us> Para ayudar al Secretario a idenficar el artículo de la agenda relacionado con su comentario, por favor indique en la linea de asunto del correo electronico el cuerpo de la reunion (es decir, la Agenda de la Junta Directiva) y el número de artículo (es decir, el Artículo No. 10). Su comentario se colocará en el registro de la reunion de esta Junta.

3. Si usted esta observando la transmisión de la reunion de la Junta en vivo y desea hacer un comentario público general para artículos que no son parte de la agenda del día o para comentar en un artículo específico de la agenda mientras se esta escuchando, envíe su comentario, con un límite de 250 palabras o menos, al Secretario de la Junta al correo electronico WRAPubliccomment@co.monterey.ca.us <mailto:WRAPubliccomment@co.monterey.ca.us> Para ayudar al Secretario a idenfificar el artículo de la agenda del dia relacionado con su comentario, por favor indique en la linea de asunto del correo electronico el cuerpo de la reunión (es decir, la Agenda de la Junta Directiva) y el número de artículo (es decir, al Artículo No. 10). Se hará todo lo posible para leer su comentario y hacerlo parte del registro de la Junta, pero algunos comentarios pueden no leerse debido a limitaciones de tiempo. Cualquier comentario recibido despues del artículo de la agenda se hará parte del registro de la reunión si es recibido antes de que termine la reunión.

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Si usted asiste a la reunión en persona, deberá mantener un distanciamiento social apropiado, es decir, mantener una distancia de 6 pies entre

Call to Order at 12:00 P.M.

Public Comments on Closed Session Items

1. Closed Session under Government Code section 54950, relating to the following item:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

1. *City of Marina vs. RMC Lonestar, et al.* (Monterey County Superior Case No. 20CV001387)

2. *Nacimiento Regional Water Management Advisory Committee v. Monterey County Water Resources Agency, Board of Supervisors of Monterey County Water Resources, et al.* (San Luis Obispo County Superior Court Case No. 19CVP-0010)

Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Recess to Closed Session

Reconvene Meeting at 1:00 P.M.

Pledge of Allegiance

Public Comment

Consent Calendar

2. Approve the Action Minutes of August 17, 2020

Attachments: [Draft Action Minutes August 17, 2020](#)

Scheduled Items

3. Consider receiving a report on funding sources for the Proposition 1 Implementation Grant Project Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley; and recommending that the Monterey County Board of Supervisors transfer \$2,663,300 from the Cannabis Assignment Fund as a contribution toward the Agency's grant matching funds.

Attachments: [Board Report](#)
[Executed MCWRA Board Order 20-018](#)
[Executed WRABOS Board Order WRAG 20-222](#)
[Tables 1 and 2](#)
[Board Order](#)

4. Consider receiving a report on the Agency's well permit application review procedures.

Attachments: [Board Report](#)
[Board Order](#)

5. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors adopt an amendment to Ordinance 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

Attachments: [Board Report](#)
[Ordinance No. 4065 clean version](#)
[Ordinance No. 4065 redline version](#)
[Board Order](#)

Key Information and Calendar of Events

6. September, October, November 2020 Calendars

Attachments: [September, October, November 2020 Calendars](#)

General Manager's Report

- 7.
- COVID-19 Update
 - Personnel Update
 - Engineer's Report Update
 - Interlake Tunnel Update
 - COWCAP Update
 - Other

Committee Reports

Information Items

8. Information Items:
1. Reservoir Release Update
 2. Well Permit Application Activities Update
 3. SWIG and DAWWG Activities Update

Attachments: [Reservoir Release Update Report](#)
[Well Permit Information Item 9-8-2020](#)
[SWIG and DAWWG Activities Update](#)

Board of Directors Comments

Adjournment



Monterey County

Item No.1

Board Report

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

Legistar File Number: WRAG 20-382

September 21, 2020

Introduced: 9/10/2020

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

Closed Session under Government Code section 54950, relating to the following item:

a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

1. *City of Marina vs. RMC Lonestar, et al.* (Monterey County Superior Case No. 20CV001387)
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Monterey County

Item No.2

Board Report

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

Legistar File Number: WRAG 20-383

September 21, 2020

Introduced: 9/10/2020

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

Approve the Action Minutes of August 17, 2020

Monterey County

*Monterey County Government Center
Board of Supervisors Chambers
168 W. Alisal St., 1st Floor
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Action Minutes - Draft

Monday, August 17, 2020

1:00 PM

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AVISO IMPORTANTE SOBRE COVID-19 EN LA PAGINA 2-4**

Water Resources Agency Board of Directors

*Chair Richard Ortiz
Vice-Chair John Baillie
Mark Gonzalez
Deidre Sullivan
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Mike Scattini
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Call to Order at 1:00 P.M.

Present 7 - Director Ken Ekelund, Director Mark Gonzalez, Director Mike LeBarre, Director Deidre Sullivan, Director John Baillie, Director Matthew Simis, and Director Richard Ortiz

Absent 2 - Director Mike Scattini, and Director Jason Smith

Public Comments on Closed Session Items

None

1. Closed Session under Government Code section 54950, relating to the following item:

a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

1. *City of Marina vs. RMC Lonestar, et al.* (Monterey County Superior Case

no. 20CV001387)

b. Pursuant to Government Code section 54956.9(d)(4), the Board of Directors will confer with legal counsel regarding the potential initiation of litigation.

Note: Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Recess to Closed Session

Reconvene Meeting at 2:00 P.M.

There were no reportable items out of the Closed Session.

Pledge of Allegiance

Public Comment

None

Consent Calendar

Chair Ortiz requested that Agenda Item No. 3 be pulled for further discussion by the Board.

Upon Motion by Director Gonzalez and Second by Director Baillie, the Board approved the Consent Calendar.

Ayes: Directors Ortiz, Baillie, Gonzalez, Sullivan, Ekelund, LeBarre and Simis

Noes: None

Absent: Directors Scattini and Smith

2. Approve the Action Minutes of July 20, 2020

Attachments: [Draft Action Minutes July 20, 2020](#)

3. Adopt a Resolution to approve Monterey County Water Resources Agency's staff recommendation to uphold Zone 2C, 2Y, and 2Z assessment charges for APN 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira.

Attachments: [Board Report](#)
[Summary of Charges](#)
[Revised GPS Map of APN](#)
[Resolution](#)
[Board Order](#)

Upon Motion by Director Ekelund and Second by Director Gonzalez the Board adopted a Resolution to approve Monterey County Water Resources Agency's staff recommendation to uphold Zone 2C, 2Y, and 2Z assessment charges for APN 421-161-048-000 owned by Steve Oliveira and Lynette Oliveira.

Ayes: Directors Ortiz, Baillie, Gonzalez, Sullivan, Ekelund, LeBarre and Simis

Noes: None

Absent: Directors Scattini and Smith

Key Information and Calendar of Events

General Manager's Report

- 4.
- COVID-19 Update
 - Personnel Update
 - Engineer's Report Update
 - Interlake Tunnel Update
 - Other

Committee Reports

Information Items

- 5.
- Information Items:
1. Reservoir Release Update
 2. Well Permit Application Activities Update
 3. Period 12 - Financial Status Report
- Attachments:** [Reservoir Release Update](#)
 [Well Permit Application Activities Update](#)
 [Period 12 - Financial Status Report](#)

Board of Directors Comments

Adjournment

The meeting adjourned at 2:25 p.m.



Monterey County

Item No.3

Board Report

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

Legistar File Number: WRAG 20-381

September 21, 2020

Introduced: 9/10/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a report on funding sources for the Proposition 1 Implementation Grant Project Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley; and recommending that the Monterey County Board of Supervisors transfer \$2,663,300 from the Cannabis Assignment Fund as a contribution toward the Agency's grant matching funds.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

- a. Receive a report on funding sources for the Proposition 1 Implementation Grant Project Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley; and
- b. Recommend that the Monterey County Board of Supervisors transfer \$2,663,300 from the Cannabis Assignment Fund as a contribution toward the Agency's grant matching funds.

SUMMARY/DISCUSSION:

On April 20, 2020, the Board of Directors of the Monterey County Water Resources Agency (MCWRA) recommended that the MCWRA Board of Supervisors enter into an agreement with the State Water Resources Control Board (SWRCB) to receive and implement a Proposition 1 Implementation Grant for the destruction of approximately 105 wells (Attachment 2). On May 19, 2020, the MCWRA Board of Supervisors approved the action (Attachment 3).

Financing for the *Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley* project (Project) totals \$9,125,524 with 54% coming from the State Water Resources Control Board), and 46% coming as MCWRA match that is met through a combination of MCWRA in-kind services totaling \$1,534,495 and additional funds totaling \$2,663,300 over a three-year period.

The additional \$2.66 million in funds will be needed over three fiscal years, with \$399,499 in FY 2020-21, \$1,509,201 in FY 2021-22, and \$754,600 in FY 2022-23 as shown in Tables 1 and 2.

At the April 20, 2020 and May 19, 2020 meetings, MCWRA staff identified Fund Balance in Funds 131, 132, and 134 as a possible funding source for the additional \$2.66 million; however, utilization of these reserves to fund this project will require a reprioritization of other projects currently identified for funding from this source in the next three fiscal years. These projects include routine maintenance at the tertiary treatment plant and on the CSIP Distribution system; cathodic protection; water scheduling improvements to assist with reducing delivery shortages; electrical upgrades; and, improvements to keep facilities operable during routine maintenance activities further reducing full shutdowns.

In an effort to offset the impact to these reserves and the projects identified above, MCWRA staff recommends a request to the County for a contribution from the Cannabis Assignment Fund toward this project in the amount of \$2,663,300. This request is in addition to a \$1,000,000 loan pledged by the County to the Agency from the Cannabis Assignment Fund for the Pajaro River Flood Risk Management Project.

On September 3, 2020, the MCWRA Finance Committee supported a request to Monterey County for a transfer of \$2,663,300 from the Cannabis Assignment Fund as a contribution toward MCWRA's grant match for this project.

MCWRA is also exploring other outside funding sources, such as contributions from well owners or water purveyors that will benefit from the project. If these efforts are successful, they will offset or potentially eliminate the request.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

No funding impact from receiving the report. If the request for the additional funds is not approved by the County and if the Agency is not successful in securing funds from other sources, then a budget amendment to use Fund Balance in Fund 134 SRDF Operations would be necessary.

Prepared by: Howard Franklin, Senior Hydrologist (831) 755-4860
 Amy Woodrow, Hydrologist (831) 755-4860

Approved by: Brent Buche, General Manager (831) 755-4860

Attachments:

1. Board Order
2. Executed MCWRA Board Order No. 20-018
3. Executed WRABOS Board Order WRAG 20-222
4. Table 1 and Table 2



Monterey County

Item No.

Board Report

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

Legistar File Number: WRAG 20-381

September 21, 2020

Introduced: 9/10/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a report on funding sources for the Proposition 1 Implementation Grant Project Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley; and recommending that the Monterey County Board of Supervisors transfer \$2,663,300 from the Cannabis Assignment Fund as a contribution toward the Agency's grant matching funds.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

- a. Receive a report on funding sources for the Proposition 1 Implementation Grant Project Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley; and
- b. Recommend that the Monterey County Board of Supervisors transfer \$2,663,300 from the Cannabis Assignment Fund as a contribution toward the Agency's grant matching funds.

SUMMARY/DISCUSSION:

On April 20, 2020, the Board of Directors of the Monterey County Water Resources Agency (MCWRA) recommended that the MCWRA Board of Supervisors enter into an agreement with the State Water Resources Control Board (SWRCB) to receive and implement a Proposition 1 Implementation Grant for the destruction of approximately 105 wells (Attachment 2). On May 19, 2020, the MCWRA Board of Supervisors approved the action (Attachment 3).

Financing for the *Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley* project (Project) totals \$9,125,524 with 54% coming from the State Water Resources Control Board), and 46% coming as MCWRA match that is met through a combination of MCWRA in-kind services totaling \$1,534,495 and additional funds totaling \$2,663,300 over a three-year period.

The additional \$2.66 million in funds will be needed over three fiscal years, with \$399,499 in FY 2020-21, \$1,509,201 in FY 2021-22, and \$754,600 in FY 2022-23 as shown in Tables 1 and 2.

At the April 20, 2020 and May 19, 2020 meetings, MCWRA staff identified Fund Balance in Funds 131, 132, and 134 as a possible funding source for the additional \$2.66 million; however, utilization of these reserves to fund this project will require a reprioritization of other projects currently identified for funding from this source in the next three fiscal years. These projects include routine maintenance at the tertiary treatment plant and on the CSIP Distribution system; cathodic protection; water scheduling improvements to assist with reducing delivery shortages; electrical upgrades; and, improvements to keep facilities operable during routine maintenance activities further reducing full shutdowns.

In an effort to offset the impact to these reserves and the projects identified above, MCWRA staff recommends a request to the County for a contribution from the Cannabis Assignment Fund toward this project in the amount of \$2,663,300. This request is in addition to a \$1,000,000 loan pledged by the County to the Agency from the Cannabis Assignment Fund for the Pajaro River Flood Risk Management Project.

On September 3, 2020, the MCWRA Finance Committee supported a request to Monterey County for a transfer of \$2,663,300 from the Cannabis Assignment Fund as a contribution toward MCWRA's grant match for this project.

MCWRA is also exploring other outside funding sources, such as contributions from well owners or water purveyors that will benefit from the project. If these efforts are successful, they will offset or potentially eliminate the request.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

No funding impact from receiving the report. If the request for the additional funds is not approved by the County and if the Agency is not successful in securing funds from other sources, then a budget amendment to use Fund Balance in Fund 134 SRDF Operations would be necessary.

Prepared by: Howard Franklin, Senior Hydrologist (831) 755-4860
 Amy Woodrow, Hydrologist (831) 755-4860

Approved by: Brent Buche, General Manager (831) 755-4860

Attachments:

1. Board Order
2. Executed MCWRA Board Order No. 20-018
3. Executed WRABOS Board Order WRAG 20-222
4. Table 1 and Table 2



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. 20-018

RECEIVE A REPORT ON THE CALIFORNIA STATE WATER)
RESOURCES CONTROL BOARD'S PROPOSITION 1 GRANT)
FOR WELL DESTRUCTION; AND RECOMMEND THAT THE)
BOARD OF SUPERVISORS OF THE MONTEREY COUNTY)
WATER RESOURCES AGENCY ENTER INTO A FUNDING)
AGREEMENT WITH THE STATE WATER RESOURCES)
CONTROL BOARD TO RECEIVE AND IMPLEMENT A)
PROPOSITION 1 GRANT FOR THE DESTRUCTION OF)
APPROXIMATELY 105 WELLS)

Upon motion of Director LeBarre, seconded by Director Sullivan, and carried by those members present, the Board of Directors hereby:

- a. Receives a report on the California State Water Resources Control Board's Proposition 1 Grant for Well Destruction; and
- b. Recommends that the Board of Supervisors of the Monterey County Water Resources Agency enter into a funding agreement with the State Water Resources Control Board to receive and implement a Proposition 1 Grant for the destruction of approximately 105 wells.

PASSED AND ADOPTED on this **20th** day of **April 2019**, by the following vote, to-wit:

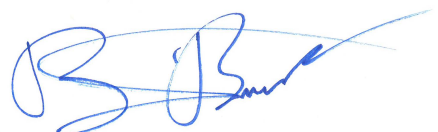
AYES: Directors Ortiz, Baillie, Gonzalez, Sullivan, Ekelund, Scattini, LeBarre, Smith and Simis

NOES: None

ABSENT: None

ABSTAIN: Director Baillie


BY: Richard Ortiz, Chair
Board of Directors


ATTEST: Brent Buche
General Manager



County of Monterey

Board of Supervisors of the Monterey County Water Resources Agency

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

A motion was made by Supervisor Jane Parker, seconded by Supervisor Mary L. Adams to:

Consider receiving a report on the California State Water Resources Control Board's Proposition 1 Grant for Well Destruction; and consider entering into a funding agreement with the State Water Resources Control Board to receive and implement a Proposition 1 Grant for the destruction of approximately 105 wells.

PASSED AND ADOPTED on this 19th day of May 2020, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams
NOES: None
ABSENT: None
(Government Code 54953)

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 of Minute Book 82 for the meeting May 19, 2020.

Dated: May 26, 2020
File ID: WRAG 20-222
Agenda Item No.: 2

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

Joel G. Pablo, Deputy

Proposition 1 Implementation Grant

Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley

Table 1 – Project Budget Summary

Funding Source		Amount
Grant Funds		\$4,927,729
MCWRA Match	In-Kind Services	\$1,534,495
	Additional Funds	\$2,663,300
Project Total		\$9,125,524

Table 2 – Estimated Timing of Additional Funds Usage

Fiscal Year	Grant Funds	MCWRA Match		Total Funds
		In-Kind Services	Additional Funds Needed	
2020-21	2,241,068	1,324,495	399,499	3,965,062
2021-22	2,624,081	120,000	1,509,201	4,253,282
2022-23	62,580	90,000	754,600	907,180
Total	4,927,729	1,534,495	2,663,300	9,125,524



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. _____

RECEIVE A REPORT ON FUNDING SOURCES FOR THE)
PROPOSITION 1 IMPLEMENTATION GRANT PROJECT)
PROTECTION OF DOMESTIC DRINKING WATER SUPPLIES)
FOR THE LOWER SALINAS VALLEY; AND RECOMMEND)
THAT THE MONTEREY COUNTY BOARD OF SUPERVISORS)
TRANSFER \$2,663,300 FROM THE CANNABIS ASSIGNMENT)
FUND AS A CONTRIBUTION TOWARD THE AGENCY'S GRANT)
MATCHING FUNDS)

Upon motion of Director _____, seconded by Director _____, and carried by those members present, the Board of Directors hereby:

1. Receives a report on funding sources for the Proposition 1 Implementation Grant project Protection of Domestic Drinking Water Supplies for the Lower Salinas Valley; and
2. Recommends that the Monterey County Board of Supervisors transfer \$2,663,300 from the Cannabis Assignment Fund as a contribution toward the Agency's grant matching funds.

PASSED AND ADOPTED on this **21st** day of **September 2020**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: Richard Ortiz, Chair
Board of Directors

ATTEST: Brent Buche
General Manager



Monterey County

Item No.4

Board Report

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

Legistar File Number: WRAG 20-384

September 21, 2020

Introduced: 9/10/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a report on the Agency's well permit application review procedures.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

Receive a report on the Agency's well permit application review procedures.

SUMMARY DISCUSSION:

The Monterey County Water Resources Agency Board of Directors and Basin Management Advisory Committee receive monthly updates on the Agency's well permit review activities. This report is being provided to explain the Agency's role in the well permit application review process, the outcome of which is captured in the monthly updates.

The Agency serves as a technical advisor to the Monterey County Health Department, Environmental Health Bureau (EHB) in the well permit application review process, per a Memorandum of Understanding. The Agency reviews permit applications for well construction, destruction, and repair activities throughout the County. The nature and extent of the Agency's role in the permit review process varies depending upon the location of the activity to be permitted, expected annual pumping volume from the proposed well, expected pumping rate of the well, and well use type (e.g. domestic or irrigation).

Agency staff also conducts well impact evaluations for new domestic and high capacity wells as part of the well permit application review, as a means of implementing policies PS-3.3 and PS-3.4 from the 2010 Monterey County General Plan.

OTHER AGENCY INVOLVEMENT

None.

FINANCING:

There is no financial impact for receiving this report. The Agency receives a portion of the total well permit fee paid by each applicant to cover staff time on permit reviews and maintenance of a well log library and database.

Prepared by: Amy Woodrow, Hydrologist, (831) 755-4860
Howard Franklin, Senior Hydrologist, (831) 755-4860

Approved by: Brent Buche, General Manager

Attachments:
Board Order



Monterey County

Item No.

Board Report

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

Legistar File Number: WRAG 20-384

September 21, 2020

Introduced: 9/10/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider receiving a report on the Agency's well permit application review procedures.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

Receive a report on the Agency's well permit application review procedures.

SUMMARY DISCUSSION:

The Monterey County Water Resources Agency Board of Directors and Basin Management Advisory Committee receive monthly updates on the Agency's well permit review activities. This report is being provided to explain the Agency's role in the well permit application review process, the outcome of which is captured in the monthly updates.

The Agency serves as a technical advisor to the Monterey County Health Department, Environmental Health Bureau (EHB) in the well permit application review process, per a Memorandum of Understanding. The Agency reviews permit applications for well construction, destruction, and repair activities throughout the County. The nature and extent of the Agency's role in the permit review process varies depending upon the location of the activity to be permitted, expected annual pumping volume from the proposed well, expected pumping rate of the well, and well use type (e.g. domestic or irrigation).

Agency staff also conducts well impact evaluations for new domestic and high capacity wells as part of the well permit application review, as a means of implementing policies PS-3.3 and PS-3.4 from the 2010 Monterey County General Plan.

OTHER AGENCY INVOLVEMENT

None.

FINANCING:

There is no financial impact for receiving this report. The Agency receives a portion of the total well permit fee paid by each applicant to cover staff time on permit reviews and maintenance of a well log library and database.

Prepared by: Amy Woodrow, Hydrologist, (831) 755-4860
Howard Franklin, Senior Hydrologist, (831) 755-4860

Approved by: Brent Buche, General Manager

Attachments:
Board Order



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. _____

RECEIVE A REPORT ON THE AGENCY'S WELL PERMIT)
APPLICATION REVIEW PROCEDURES)

Upon motion of Director _____, seconded by Director _____, and carried by those members present, the Board of Directors hereby:

Receives a report on the Agency's well permit application review procedures.

PASSED AND ADOPTED on this **21st** day of **September 2020**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: Richard Ortiz, Chair
Board of Directors

ATTEST: Brent Buche
General Manager



Monterey County

Item No.5

Board Report

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

Legistar File Number: WRAG 20-385

September 21, 2020

Introduced: 9/10/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors adopt an amendment to Ordinance 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

Recommend that the Monterey County Water Resources Agency Board of Supervisors adopt an amendment to Ordinance 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (Agency) has identified the need to amend Ordinance 4065 Regulating the Licensing of Docks at Nacimiento Lake and Establishing Dock Licensing Fees enacted on May 30, 2000. The proposed simple amendment will allow all license and other fees charges under the provision of the Ordinance and fines, penalties and enforcements costs associated with any violations, to be established by the Agency Board of Supervisors and set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code. The amendment will need two readings at the Agency Board of Supervisors, which are proposed to consist of the first reading on September 29, 2020 and second reading on October 13, 2020.

Concurrently, Agency staff is scheduling consideration of a Boat Dock Program Fee Study and Resolution to update fees and levy new fees and service charges for the Agency's Boat Dock Licensing and Inspection Program. The scheduling to update fees will consist of the September 2020 meeting of Reservoir Operations Advisory Committee, the October 2020 meeting of the Agency Board of Directors, and the November 2020 meeting of the Agency Board of Supervisors. This close tracking will allow these future updates to be contained in Article XI Monterey County Water Resources Agency Fees instead of in Ord. No. 4065. This will allow for ease in amending from time to time, as necessary.

At its September 4, 2020 meeting, the Finance Committee recommended approval of a Boat Dock Program Fee Study to update dock fees and levy new fees and service charges necessary for boat dock licensing program improvements.

OTHER AGENCY INVOLVEMENT:

County Counsel

FINANCING:

None

Prepared by: Jennifer Bodensteiner, Associate Hydrologist, (831) 755-4970

Approved by: Brent Buche, General Manager, (831) 755-4860

Attachment:

1. Proposed Amendments to Ordinance No. 4065 (clean)
2. Proposed Amendments to Ordinance No. 4065 (redline)
3. Board Order



Monterey County

Item No.

Board Report

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

Legistar File Number: WRAG 20-385

September 21, 2020

Introduced: 9/10/2020

Current Status: Agenda Ready

Version: 1

Matter Type: WR General Agenda

Consider recommending that the Monterey County Water Resources Agency Board of Supervisors adopt an amendment to Ordinance 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Board of Directors:

Recommend that the Monterey County Water Resources Agency Board of Supervisors adopt an amendment to Ordinance 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

SUMMARY/DISCUSSION:

The Monterey County Water Resources Agency (Agency) has identified the need to amend Ordinance 4065 Regulating the Licensing of Docks at Nacimiento Lake and Establishing Dock Licensing Fees enacted on May 30, 2000. The proposed simple amendment will allow all license and other fees charges under the provision of the Ordinance and fines, penalties and enforcements costs associated with any violations, to be established by the Agency Board of Supervisors and set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code. The amendment will need two readings at the Agency Board of Supervisors, which are proposed to consist of the first reading on September 29, 2020 and second reading on October 13, 2020.

Concurrently, Agency staff is scheduling consideration of a Boat Dock Program Fee Study and Resolution to update fees and levy new fees and service charges for the Agency's Boat Dock Licensing and Inspection Program. The scheduling to update fees will consist of the September 2020 meeting of Reservoir Operations Advisory Committee, the October 2020 meeting of the Agency Board of Directors, and the November 2020 meeting of the Agency Board of Supervisors. This close tracking will allow these future updates to be contained in Article XI Monterey County Water Resources Agency Fees instead of in Ord. No. 4065. This will allow for ease in amending from time to time, as necessary.

At its September 4, 2020 meeting, the Finance Committee recommended approval of a Boat Dock Program Fee Study to update dock fees and levy new fees and service charges necessary for boat dock licensing program improvements.

OTHER AGENCY INVOLVEMENT:

County Counsel

FINANCING:

None

Prepared by: Jennifer Bodensteiner, Associate Hydrologist, (831) 755-4970

Approved by: Brent Buche, General Manager, (831) 755-4860

Attachment:

1. Proposed Amendments to Ordinance No. 4065 (clean)
2. Proposed Amendments to Ordinance No. 4065 (redline)
3. Board Order

ORDINANCE NO. _____

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
AMENDING ORDINANCE NO. 04065 CONCERNING BOCK DOCK FEES AND
PENALTIES**

County Counsel Summary

This ordinance amends Ordinance No. 04065 (adopted May 30, 2000) to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts. Moving the fee amounts from the Ordinance to the Fee Article will enable the Monterey County Water Resources Agency to more easily update the fees.

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

SECTION 1. Section 5 of Ordinance No. 04065 is hereby amended to read as follows:

License and other fees charged under the provisions of this Ordinance and fines, penalties and enforcement costs associated with violations of this Ordinance not otherwise set forth herein, shall be established by the Agency Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

SECTION 2. Section 16 of Ordinance No. 04065 is hereby amended to read as follows:

(a) It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks and log-booms not complying with the licensing conditions set forth herein.

SECTION 3. 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, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE

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

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Christopher M. Lopez, Chair,
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Deputy County Counsel

ORDINANCE NO. _____

**AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY
AMENDING ORDINANCE NO. 04065 CONCERNING BOCK DOCK FEES AND
PENALTIES**

County Counsel Summary

This ordinance amends Ordinance No. 04065 (adopted May 30, 2000) to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts. Moving the fee amounts from the Ordinance to the Fee Article will enable the Monterey County Water Resources Agency to more easily update the fees.

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

SECTION 1. Section 5 of Ordinance No. 04065 is hereby amended to read as follows:

~~License and other fees charged under the provisions of this Ordinance and fines, penalties and enforcement costs associated with violations of this Ordinance not otherwise set forth herein, shall be established by the Agency Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time. Prior to issuance of an initial or renewal license, the licensee shall pay to the Agency an annual fee of \$60.00 per dock for all single slip docks, or \$60.00 for the first slip plus \$20.00 for each additional slip for all multiple docks. The General Manager shall determine the number of slips for which any particular dock is designed.~~

SECTION 2. Section 16 of Ordinance No. 04065 is hereby amended to read as follows:

(a) ~~It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation. Any person violating any of the provisions of this ordinance shall be guilty of an infraction which is punishable by a fine not to exceed \$500.00 for each violation.~~

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks and log-booms not complying with the licensing conditions set forth herein.

SECTION 3. 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, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE

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

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Christopher M. Lopez, Chair,
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Deputy County Counsel



Before the Board of Directors of the Monterey County Water Resources Agency

County of Monterey, State of California

BOARD ORDER No. _____

RECOMMEND THAT THE MONTEREY COUNTY WATER)
RESOURCES AGENCY BOARD OF SUPERVISORS ADOPT)
AN AMENDMENT TO ORDINANCE 4065 TO REMOVE THE)
BOAT DOCK LICENSE FEES AND PENALTIES FROM THE)
ORDINANCE AND TO INSTEAD REFERENCE THE)
MONTEREY COUNTY WATER RESOURCES FEE ARTICLE)
WITHIN THE MONTEREY COUNTY FEE RESOLUTION TO)
SET THE FEE AMOUNTS)

Upon motion of Director _____, seconded by Director _____, and carried by those members present, the Board of Directors hereby:

Recommends that the Monterey County Water Resources Agency Board of Supervisors adopt an amendment to Ordinance 4065 to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts.

PASSED AND ADOPTED on this **21st** day of **September 2020**, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

BY: Richard Ortiz, Chair
Board of Directors

ATTEST: Brent Buche
General Manager



Monterey County

Item No.6

Board Report

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

Legistar File Number: WRAG 20-388

September 21, 2020

Introduced: 9/10/2020

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

September, October, November 2020 Calendars

September 2020

September 2020						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2020						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 30	31	Sep 1	2 8:30am BMAC Committee (1441 Schilling Pl., Salinas) 10:00am Planning Committee (1441 Schilling Pl., Salinas)	3	4 8:30am Personnel/Admin. Cmt. (1441 Schilling Pl., Salinas) 10:00am Finance Committee (1441 Schilling Pl., Salinas)	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21 Board of Directors Meeting (BOS Chambers, 168 w. Alisal) - 930-Board of Directors	22	23	24 1:30pm Reservoir Operations Advisory Committee (Saffron Room) - 930-Board of Directors	25	26
27	28	29	30	Oct 1	2	3

October 2020

October 2020						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November 2020						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 27	28	29	30	Oct 1	2 8:30am Personnel/Ad min. Cmt. (1441 Schilling 10:00am Finance Committee (1441 Schilling Pl., Salinas)	3
4	5	6	7 8:30am BMAC Committee (1441 Schilling Pl., Salinas) 10:00am Planning Committee (1441 Schilling	8	9	10
11	12	13	14	15	16	17
18	19 Board of Directors Meeting (BOS Chambers, 168 w. Alisal) - 930-Board of Directors	20	21	22	23	24
25	26	27	28	29 1:30pm Reservoir Operations Advisory Committee (Saffron Room) - 930-Board of Directors	30	31

November 2020

November 2020						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2020						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 1	2	3	4 8:30am BMAC Committee (1441 Schilling Pl., Salinas) 10:00am Planning Committee (1441 Schilling Pl., Salinas)	5	6 8:30am Personnel/Admin. Cmt. (1441 Schilling Pl., Salinas) 10:00am Finance Committee (1441 Schilling Pl., Salinas)	7
8	9	10	11	12	13	14
15	16 Board of Directors Meeting (BOS Chambers, 168 w. Alisal) - 930-Board of Directors	17	18	19	20	21
22	23	24	25	26 THANKSGIVING HOLIDAY 1:30pm Reservoir Operations Advisory Committee (Saffron Room) -	27	28
29	30	Dec 1	2	3	4	5



Monterey County

Item No.7

Board Report

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

Legistar File Number: WRAG 20-386

September 21, 2020

Introduced: 9/10/2020

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

- COVID-19 Update
- Personnel Update
- Engineer's Report Update
- Interlake Tunnel Update
- COWCAP Update
- Other



Monterey County

Item No.8

Board Report

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

Legistar File Number: WRAG 20-387

September 21, 2020

Introduced: 9/10/2020

Current Status: Draft

Version: 1

Matter Type: WR General Agenda

Information Items:

1. Reservoir Release Update
2. Well Permit Application Activities Update
3. SWIG and DAWWG Activities Update

Reservoir Release Update

SUMMARY/DISCUSSION:

The Board of Directors receives monthly updates on the status of Agency reservoirs.

RESERVOIR ELEVATION / STORAGE: As of September 9, 2020, San Antonio Reservoir has a water surface elevation of approximately 696.9 feet (NGVD 29), with 58,895 acre-feet of storage. Nacimiento Reservoir has a water surface elevation of approximately 735.4 feet, with 106,350 acre-feet of storage. San Antonio Reservoir is currently at 18% of storage capacity and Nacimiento Reservoir is at 28% of capacity.

RESERVOIR RELEASES: The Agency continues to make conservation releases from both reservoirs to recharge the Salinas Valley Groundwater Basin and provide flows in support of the Salinas River Diversion Facility (SRDF) with required steelhead passage flows to the Salinas River Lagoon. Current release rates of 640 cfs (355 cfs from Nacimiento Reservoir and 285 cfs from San Antonio Reservoir) are meeting these needs in addition to required minimum fisheries release requirements.

The Salinas River Lagoon has been closed since May 17th after having opened to the ocean on April 7th.

Minor deviations in release rates are not presented in this report but are documented in the Salinas Valley Water Project Annual Flow Reports.

Releases as of September 9, 2020:

- Nacimiento Reservoir: 355 cfs
- San Antonio Reservoir: 285 cfs

Total releases from both reservoirs to the Salinas River are approximately 640 cfs. The following “provisional” flows have been recorded by the USGS:

- Salinas River near Bradley: 631 cfs
- Salinas River at Soledad: 264 cfs
- Salinas River near Chualar: 119 cfs
- Salinas River near Spreckels: 40 cfs

Prepared by: Germán Criollo, Associate Hydrologist, (831) 755-4860
Peter Kwiek, Hydrologist, (831) 755-4860

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 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.

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-six (56) wells have been installed in the Deep Aquifers since 1974, with twenty-three (23) of those wells being constructed in the last ten years, including fifteen (15) within the last three years. Figure 2 includes a tabular historical summary of reported annual Deep Aquifer well extractions by water use category.

Four (4) additional permits have been issued for new Deep Aquifers wells but construction has not been completed as of the date of this report. One proposed well was applied for as a "replacement well" under provisions of interim Ordinance No. 5302, which expired on May 21, 2020. The remaining three (3) proposed wells were applied for as replacement wells after the expiration of Ordinance No. 5302.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

None

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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

Table 1. Well Permit Applications Received by Category - August, 2020

Subarea/ Aquifer	Construction	Destruction	Repair	Other	Total	FY (20/21) Total
Pressure 180-Ft Aquifer						2
Pressure 400-Ft Aquifer	1	4			5	6
Pressure Deep Aquifers	4				4	7
East Side						0
Forebay	1				1	3
Upper Valley						0
Outside Zone 2C, Undefined GW Basin	3	2		1	6	9
Total	9	6		1	16	27

Figure 1

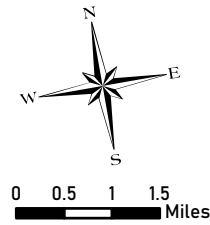
Legend

Deep Aquifer Wells

By Use, Labeled by Year Constructed

- Agricultural
- Municipal
- Industrial
- Domestic
- Monitoring

Area of Impact



Monterey County
Water Resources Agency

Date: 9/8/2020

4 Monitoring Wells
constructed in 2000

2 Monitoring Wells
constructed in 2005

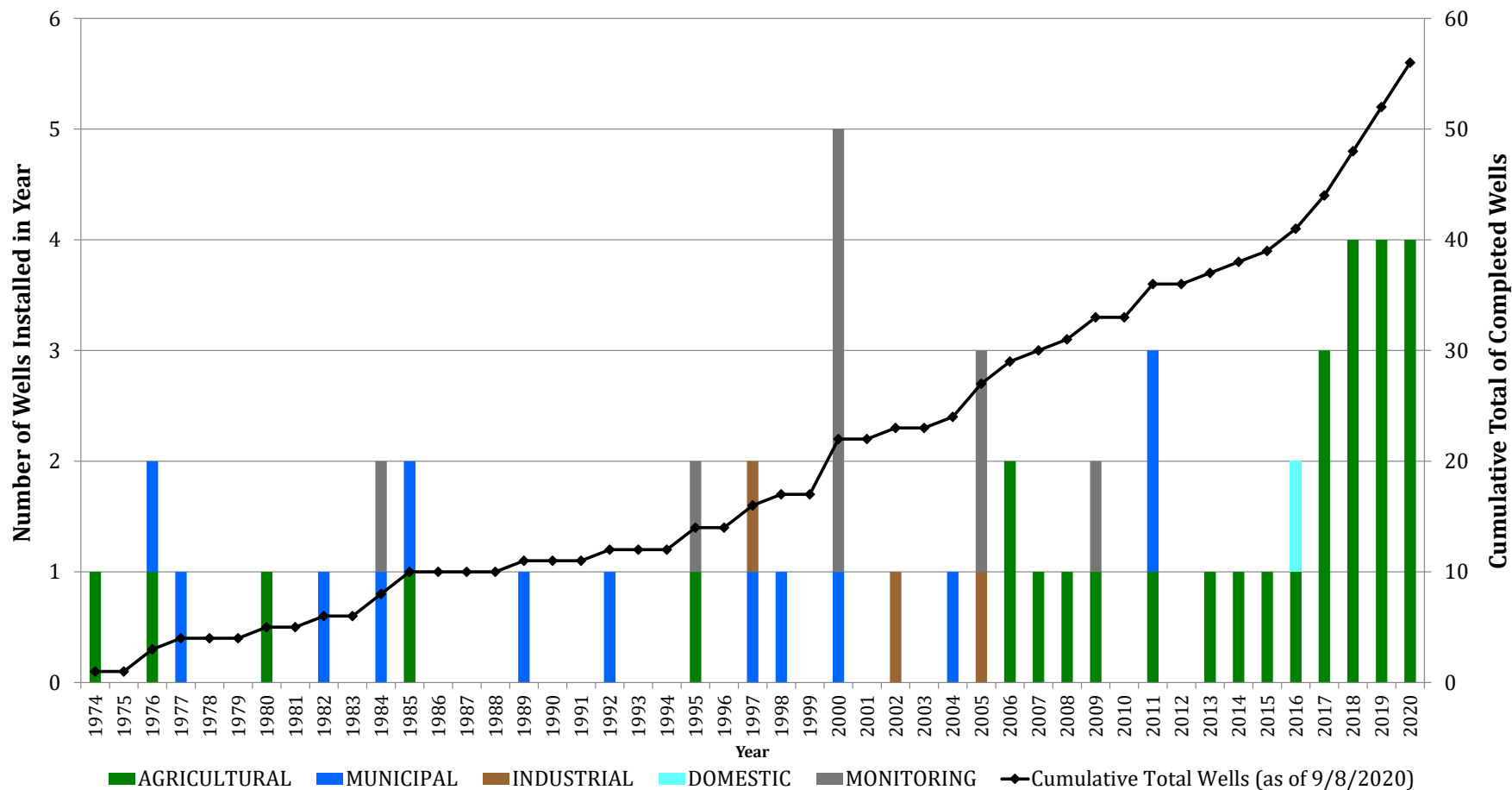
2 Municipal Wells
constructed in 1998 and 2000

Figure 2

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



Source: MCWRA
Date: 9/8/2020



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
2,054	1,992	2,036	2,137	2,170	1,906	2,055	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	1,982	3,784	3,746	3,690	3,991	4,499
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	4,293	4,958	4,855
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
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

* Notes: Table includes all reported extraction data for the twenty-nine (29) 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

Salinas Valley Basin Groundwater Sustainability Agency's Seawater Intrusion Group (SVBGSA-SWIG) and the County of Monterey CAO's Deep Aquifers Wells Working Group (DAWWG) Activities Update.

SUMMARY DISCUSSION:

Seawater Intrusion Group (SWIG)

The formation of a seawater intrusion group was identified in section 9.3.7 of the SVBGSA's 180/400 Foot Aquifer Subbasin Groundwater Sustainability Plan. Priority Management Action 6 of that plan states that the "*SVBGSA will develop and coordinate a working group to address the issues associated with seawater intrusion.*" The goal of the SWIG will be to develop a comprehensive set of projects and management actions that control seawater intrusion while providing cost effective water supplies for the region. At the SVBGSA's May 14, 2020 Board of Directors meeting, Gary Petersen, Senior Advisor to the SVBGSA presented an overview of SWIG organization and mission (Attachment 1).

A preliminary goal of the SVBGSA-SWIG will be to develop consensus on the science of seawater intrusion in the Salinas Valley Groundwater Basin. In order to achieve this goal, the SVBGSA-SWIG has formed a Technical Advisory Committee (TAC) whose charge is to help develop and formulate the understanding of that science. Each agency or stakeholder organization member of the SWIG can propose a SWIG representative. The SWIG representative must be a qualified individual with expertise in hydrology, hydrogeology or other relevant science. The TAC met for the first time on August 31, 2020. From that meeting, it was decided that the TAC will work to, among other things, develop the framework for a study of the Deep Aquifers in the coastal region.

Deep Aquifers Wells Working Group (DAWWG)

At the Monterey County Board of Supervisors meeting on May 19, 2020; in response to the Agency's presentation of the report "*Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin: 2020 Update*", the Supervisors directed the County CAO to form a working advisory group to make recommendations to the CAO regarding the placement of new wells in the 180/400 Foot Aquifer subbasin of the Salinas Valley Groundwater Basin.

That group, the Deep Aquifers Wells Working Group (DAWWG), has met on a roughly weekly basis to deliberate on and develop consensus on recommendations. The DAWWG consists of County, Agency and SVBGSA staff, along with representatives from the Farm Bureau and the Growers Shippers Association. Results of those deliberations will be presented in two public forums to provide an opportunity for public deliberations and input prior to the CAO recommendations to the Supervisors

Additionally, the DAWWG has deliberated on the impacts of a recent California Supreme Court decision as to whether well construction permits are subject to California Environmental Quality Act (CEQA) review. As a result of the courts finding, the Board of Supervisors will be asked to adopt an urgency ordinance to suspend the processing of water well construction permit applications for a period of 90 days so the impact on the County's well ordinance can be studied. In order to help in understanding the impact of these actions, County staff developed a Frequently Asked Questions document on the California Supreme Court action (Attachment 2).

OTHER AGENCY INVOLVEMENT

None.

FINANCING:

There is no financial impact for receiving this report.

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Approved by: Brent Buche, General Manager

Attachments:

Attachment 1 – May 14, 2020 SWIG Presentation to SVBGSA BOD

Attachment 2 – Protecting Our Water FAQ



Seawater Intrusion Working Group (SWIG)



Development of SWIG

- Based on original 90 day working group
- Modeled after GSA formation meetings
- Identified as Management Action in GSP
- Working Group Network Format

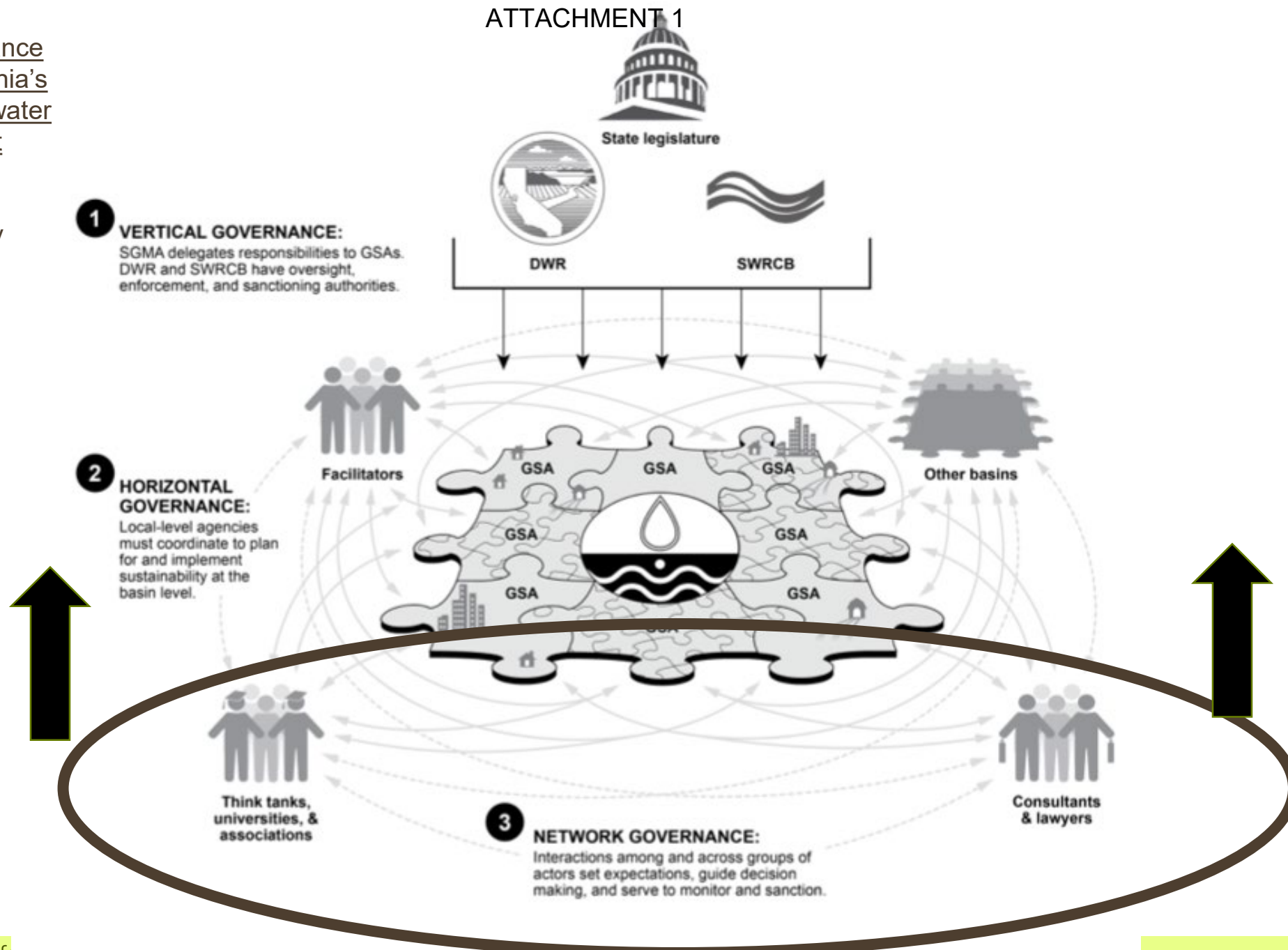
Definitions

- **Definition of *working group*** : a group of people who investigate a particular problem and suggest ways of dealing with it
- **Definition of *Network Governance***: " coordination that is characterized by organic or informal social systems, in contrast to bureaucratic structures within agencies and organizations and formal relationships between them.[\[1\]](#)

Concurrent Governance
Processes of California's
Sustainable Groundwater
Management Act

Anita Milman
and
Michael Kiparsky

ATTACHMENT 1



Transparent and Advisory Nature of Process

- Regular reports to multiple Boards and Agencies
- Recommendations to GSA Advisory Committee before Board
- Public presentations
- Publication of documents
- All recommendations are advisory only

Involved Agencies with Decision Making Power

- Castroville CSA (DAC)
- Monterey One Water
- City of Salinas
- City of Marina
- County of Monterey
 - Environmental Health
- Monterey County Water Resources Agency
- Marina Coast Water District
- SVBGSA

Formation Dialogues

- Membership
 - Who is not here that needs to be here?
- Scope of Work
 - What are the specific areas of study
- How do we decide?
 - Agreement on recommendations and work product
- Who will make final decisions?
 - Which boards? Which Agencies?
- Ground Rules for meetings
 - Behaviors, attendance, time dates etc.

Challenges

- History
- Distrust and suspicion
- Mixed science
- Lack of resources
- Lack of Data
- Lack of working relationships
- Creating space to develop functional work group
- Agreement
- Pandemic

Questions?

MONTEREY COUNTY



California Supreme Court Clarifies Whether Well Construction Permits Are Subject to CEQA

On August 27, 2020, the California Supreme Court in the *Protecting Our Water and Environmental Resources v. County of Stanislaus* (“*Protecting Our Water*”) case held that Stanislaus County could not categorically classify its issuance of groundwater well construction permits as ministerial decisions exempt from environmental review under the California Environmental Quality Act (“CEQA”). Because many counties administer their well programs utilizing similar ministerial classifications, the *Protecting Our Water* case has significant practical considerations statewide, including in Monterey County.

Here are frequently asked questions concerning the *Protecting Our Water* case and its impact in Monterey County:

Frequently Asked Questions

Q: What is the issue facing Monterey County?

A: The issue is whether some level of environmental review is necessary for County issuance of water well construction permits in light of the recent Supreme Court decision. The Monterey County Board of Supervisors will be considering an urgency ordinance to enact a 90-day suspension of the processing of any well construction permit applications in order to ensure that the precedential ruling in the *Protecting Our Water* case is fully understood, and any necessary or appropriate amendments to the County’s water well construction permit ordinance are considered. This 90-day suspension is not intended to be permanent suspension on the processing of water well construction permits; it is expected that the suspension period will provide time to make recommendations to the Board of Supervisors regarding amendments to County regulations for processing new water well construction permit applications.

Q: What is the difference between a ministerial and discretionary decision on a well construction permit?

A: Under CEQA, ministerial approvals are those that involve little or no discretion, merely apply a checklist to the facts as presented, and are often issued over-the-counter by county staff. In contrast, discretionary approvals are those that involve judgment or deliberation, and allow a county to use discretion to decide whether to issue the approvals and how best to shape or condition those approvals to avoid or mitigate environmental impacts. CEQA environmental review applies only to discretionary approvals, not ministerial approvals.

Q: Does the *Protecting Our Water* decision hold that all well construction permits are discretionary?

MONTEREY COUNTY



A: No. The California Supreme Court held that there was not a bright-line answer to this question. Instead, whether a well construction permit is discretionary must be determined based on the specific language of the ordinance governing the permit's issuance and the circumstances of the particular application. In other words, whether the jurisdiction's well construction ordinance allows for the decision maker to exercise judgment regarding a particular well permit application will determine whether the permit's issuance is discretionary and subject to CEQA review.

Q: What was found to be discretionary in Stanislaus County's well construction ordinance?

A: The ordinance governing Stanislaus County's issuance of the permits incorporated certain state standards. Among other requirements, the standards authorized Stanislaus County to exercise judgment when it decides to approve or disapprove a permit. The California Supreme Court held that because this language gave Stanislaus County discretion to identify environmental issues and to condition the well's construction to avoid those issues, the County's issuance of well permits was, at least in some circumstances, discretionary. As such, the Court found that Stanislaus County violated CEQA by categorically classifying the issuance of all well construction permits as ministerial.

Q: How does the *Protecting Our Water* decision impact my ability to obtain a well construction permit from Monterey County?

A: Chapter 15.08 of the Monterey County Code sets forth the application and decision-making process for the County in considering applications for well construction permits. The Chapter sets forth certain technical requirements that appear to be purely ministerial in their application; however, the Chapter also gives the Health Officer discretion to impose unspecified conditions on a permit, grant variances, and deny an application if in his/her judgment it would defeat the purposes of the Chapter. By way of example only, the Health Officer might determine that a new well would have an impact on a nearby well or wells, and impose spacing or other conditions on a well permit to avoid that impact. Such authority could be considered sufficiently discretionary to make the approval of well construction permits subject to environmental review.

Q: Will Monterey County now require CEQA environmental review on all well construction permits?

A: The Board of Supervisors will be asked to adopt an urgency ordinance to suspend the processing of water well construction permit applications for a period of 90 days so the impact on the County's well ordinance can be studied. In the absence of a suspension, based on the current language of Chapter 15.08, it is likely that well construction permits would

MONTEREY COUNTY



be subject to environmental review. CEQA review would likely entail preparation of an initial study, and the results of the initial study would determine whether further environmental review was necessary.

Q: Will Monterey County amend Monterey County Code Chapter 15.08 given the *Protecting Our Water* decision?

A: The 90-day suspension of processing applications will allow the County staff to review and determine how the case applies to Chapter 15.08, and make recommendations to the Monterey County Board of Supervisors. Revisions to Chapter 15.08 would require Board adoption of an ordinance to amend the County Code.

Q: On May 19, 2020, the Monterey County Board of Supervisors directed the County Administrative Officer to create a Deep Aquifer Well Working Group to work with stakeholders to provide recommendations to the Board concerning well construction permits and funding a study of the Deep Aquifers. How does the *Protecting Our Water* decision impact that group's work?

A: The Deep Aquifer Well Working Group continues to work on a recommendation and will also now evaluate the new additional issues raised by the *Protecting Our Water* decision. The Group plans to move forward soon with stakeholder meetings and to report back to the Board of Supervisors by the end of October 2020.