



Board Report

File #: A 20-016, **Version:** 2

County acting as the Monterey County Groundwater Sustainability Agency to consider:

- a. Presentation by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) on the Groundwater Sustainability Plan (GSP) for the 180/400 ft. Aquifer Subbasin;
- b. Adopting a resolution approving a Cooperation Agreement with the SVBGSA, requesting that SVBGSA take all actions necessary to finalize and implement the Agreement, and authorizing the Chair to execute the Agreement; and
- c. Opening a public hearing and receiving public comment on the GSP, directing staff to provide the required notice(s) to develop and adopt a GSP for the CEMEX property, and continuing the public hearing for a minimum of 90 days. REVISED VIA SUPPLEMENTAL

RECOMMENDATION:

It is recommended that the Board of Supervisors, acting as the Monterey County Groundwater Sustainability Agency:

- a. Hear a presentation by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) on the Groundwater Sustainability Plan (GSP) for the 180/400 ft. Aquifer Subbasin;
- b. Adopt a resolution approving a Cooperation Agreement with the SVBGSA, request that SVBGSA take all actions necessary to finalize and implement the Agreement, and authorize the Chair to execute the Agreement; and
- c. Open a public hearing and receive public comment on the GSP, direct staff to provide the required notice(s) to develop and adopt a GSP for the CEMEX property, and continue the public hearing for a minimum of 90 days.

SUMMARY

The Sustainable Groundwater Management Act (SGMA) requires Groundwater Sustainability Plans (GSPs) be adopted for medium or high priority basins and subbasins in California (including the CEMEX portion of the 180/400ft Aquifer Subbasin) by January 31, 2020. The plans must detail how basins will become sustainable over a 20-year timeframe and must be submitted to the California Department of Water Resources for approval.

The Salinas Valley Groundwater Sustainability Agency (SVBGSA) developed the *Salinas Valley: 180/400-Foot Aquifer Subbasin Groundwater Sustainability Plan* (GSP) for the entire subbasin, which includes the CEMEX property. On January 9, 2020, the SVBGSA Board formally adopted the GSP, with the exclusion of the CEMEX property.

On January 28, 2020, the SVBGSA will provide a presentation on its GSP to the Board of Supervisors. The recommended actions in this report would authorize approval of a Cooperation Agreement with SVBGSA and authorize provision of notice(s) for the County, acting as the Monterey County Groundwater Sustainability Agency, to develop and/or consider adoption of a GSP in the event that the SVBGSA does not adopt a GSP which includes the CEMEX property.

DISCUSSION:

In September of 2014, Governor Edmund G. Brown signed into law the Sustainable Groundwater Management Act of 2014 (SGMA), which changed the landscape of groundwater management in California. SGMA is a

comprehensive package of legislation that sets the framework for statewide sustainable groundwater management and declares that such authority be given to local public agencies that have either water supply or land use authority, or both.

SGMA requires, among other things, the formation of Groundwater Sustainability Agencies (GSAs) to manage local groundwater basins. GSAs are the local agencies responsible for the development and implementation of the Groundwater Sustainability Plans (GSPs), which are designed to ensure groundwater sustainability over a 20-year implementation period. GSPs are focused on the development and implementation of long-term groundwater sustainability programs, plans, and practices over a 50-year planning horizon.

In 2016, the SVBGSA, a Joint Powers Authority, was formed for the purpose of being the GSA for the Salinas Valley Groundwater Basin (Basin), and the subbasins therein, within Monterey County. The 180/400ft Aquifer Subbasin within the Basin is designated as high priority and in critical condition of overdraft. SGMA requires adoption of GSPs for all high-priority, critically-overdrafted groundwater basins in California by January 31, 2020.

On March 19, 2018, the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA), of which the County is a member, submitted initial notification to the California Department of Water Resources (DWR) to prepare a GSP for the Salinas Valley Ground Water Basin, which included the 180/400-foot Aquifer Subbasin. Over the past several years, SVBGSA undertook the process to prepare the GSP as required by the Sustainable Groundwater Management Act (SGMA), including filing the initial notification with DWR to develop a GSP required by Water Code section 10727.8, formation of an Advisory Committee comprised of a diverse group of members for the review of the plan, and holding numerous public meetings to provide opportunities for the general public to comment on the plan. During this process SVBGSA received a significant amount of written public comments, which were reviewed and analyzed by SVBGSA. The SVBGSA completed and formally adopted the GSP, pursuant to Water Code section 10727, on January 9, 2020. Although the SVBGSA GSP covers the entire 180/400 ft. subbasin, the resolution adopting the GSP excluded the CEMEX property which is within Monterey County GSA's boundaries. However, Water Code section 107027 allows for a singlet GSP covering a basin to be adopted by one GSA or multiple GSA's.

On December 11, 2019, the Monterey County Board of Supervisors formed the Monterey County Groundwater Sustainability Agency (Monterey County GSA) to resolve an apparent jurisdictional overlap at the CEMEX property between the SVBGSA and the City of Marina GSA. The Department of Water Resources (DWR) recognized the County as the exclusive GSA on December 18, 2019. In its resolution forming the Monterey County GSA, the County found that it intends to adopt the GSP prepared by SVBGSA for the 180/400 Subbasin for management of the CEMEX property. At least 90 days prior to holding a public hearing to consider adopting a GSP, SGMA requires notice to a city or county within the area of the proposed plan.

It is recommended that the Board hear a presentation by the SVBGSA regarding the GSP it prepared for the 180/400 Subbasin. Staff further recommends that the Board consider adopting a resolution approving a Cooperation Agreement with the SVBGSA that would designate the SVBGSA as the manager of the entire 180/400 Subbasin and provide for the SVBGSA to adopt a GSP for the entire 180/400 Subbasin, including the CEMEX property. Staff also recommends that the Board request that SVBGSA take all actions necessary to finalize and implement the Agreement. A copy of the proposed resolution and Cooperation Agreement is attached to this report for the Board's consideration.

Pursuant to the terms of the Cooperation Agreement and recommended Board action, SVBGSA should adopt a GSP for the entire 180/400 Subbasin and implement that plan for the CEMEX property. It is further recommended that the Board open a public hearing and receive public comment on the GSP and direct staff to provide the required notice(s) to develop and adopt a GSP for the CEMEX property. Water Code section 10728.4 provides that, during the 90-day notice period, affected cities may provide comments on the proposed plan and request consultation. Staff would then return to the Board for consideration of the GSP as presented, or with proposed amendments, no sooner than 90 days.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the Cooperation Agreement and approved it as to form and legality.

FINANCING:

There is no fiscal impact associated with the adoption of the GSP itself. Costs associated with these actions include mostly staff time. Any non-staff time costs will be covered by the CAO office budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approval of these actions are consistent with the following Board Strategic Initiatives:

☒ Economic Development
☒ Administration
☐ Health & Human Services
☒ Infrastructure
☐ Public Safety

Prepared/Approved by:

Charles J. McKee
County Administrative Officer

Dated: January 23, 2020

Attachments:

Board Report
Resolution
Draft Cooperation Agreement
SVBGSA GSP - Executive Summary
SVBGSA GSP - Volume 1
SVBGSA GSP - Volume 2
SVBGSA GSP - Volume 3
SVBGSA GSP - Appendix
SVBGSA GSP - Supplemental Information
(On file with the Clerk of the Board)

