



# TODAY'S ACTION

Consider:

- a. Approving and recommending that the Monterey County Water Resources Agency Board of Supervisors approve the Third Amendment to the Third Reimbursement and Funding Agreement between the County of Monterey and the Monterey County Water Resources Agency relating to preliminary expenditures for the Interlake tunnel and Spillway Modification Projects;
  
- b. Authorizing the Monterey County Water Resources Agency General Manager to execute the Third Amendment to the Third Reimbursement and Funding Agreement; and,
  
- c. Authorizing the Auditor Controller to amend the Monterey County Water Resources Agency FY 2016 17 Adopted Budget for Fund 116 Dam O&M, WRA 006 to increase revenue and appropriations by \$279,352 financed by a transfer from the County of Monterey General Fund XXX, XXX (4/5th vote required).





# Committee Action

- None



# Prior BOD/BOS Action

- On June 21, 2016 the County, approved an appropriation of \$1,351,000 within the 2nd Amendment to the Third Funding Agreement.
- This appropriation was for fiscal year 2015-16 deferred project activities:
  - Hydrologic modeling
  - LiDAR Survey
  - Preparation of a Draft EIR
  - Program Management



# Financial Impact

- This amendment requests the remaining \$279,352 which was not spent in fiscal year 2015-16
- The total of all funding and reimbursement agreements, as amended, will not exceed the original committed amount of \$3,000,000



# Discussion

- This amendment is a request that the Board allow an extension of time to expend \$279,352 in this fiscal year that was appropriated for expenditure in the fiscal year just ended.
- This is not a request for additional new County funding.





# Summary

- Amendment No. 3 to the Third Funding and Reimbursement Agreement requests:
  - the County of Monterey to reimburse the Agency in the FY 2016- 7 Adopted Budget;
  - the County of Monterey to appropriate \$279,352 in addition to the \$1,351,000 approved by the BOS and appropriated to the Agency by the County on June 21, 2016. As of July 31, 2016 the County has reimbursed \$1,369,648 of the total approved amount of \$3,000,000.



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## TODAY'S ACTION

Consider approving the Settlement Agreement between Monterey County Water Resources Agency (Applicant), Monterey Peninsula Water Management District, Monterey Regional Water Pollution Control Agency and California Department of Fish and Wildlife (Protestant) for the action Before the State Water Resources Control Board of the State of California In the Matter of *Water Rights* Applications 32263A, 32263B, and 32263C, substantially in the form attached; and, authorize the General Manager to execute the Agreement.





# Financial Impact

- There is no direct financial impact resulting from this action.



# Committee Action

- None



# PRIOR BOD/BOS ACTION

- June 27, 2016 BOD Approved Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency's Water Rights Applications
- June 28, 2016 BOS Approved Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency's Water Rights Applications



# Discussion

- MCWRA filed a Water Rights Application #32263 with the California State Water Resources Control Board on May 19, 2014
- The Water Right was accepted on March 25, 2015 and subsequently split into five applications
- Three of those applications support the Pure Water Monterey (PWM) Project including additional water for CSIP
  - Blanco Drain (#32263A)
  - Reclamation Ditch (#32263B)
  - Tembladero Slough (#32263C)



## Discussion (cont.)

- In response to those three filings the Water Board issued a Public Notice on December 18, 2015 soliciting any protests a party may have against the applications
- On February 19, 2016 National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) filed a protest on each water right
- RWQCB supported the protests and the PWM Project by letter dated March 29, 2016



## Discussion (cont.)

- MCWRA, MPWMD, MRWPCA and other members of the Pure Water Monterey Project team have been in negotiations with the protestants since February
- June 3, 2016 Proposed Protest Dismissal Terms were presented to CDFW and NMFS.
- June 27 & 28, 2016 Settlement terms approved by BOD & BOS
- CDFW Agreement took longer to formalize & are consistent with Settlement terms





# Summary

- MCWRA filed Water Rights Applications to support the Pure Water Monterey Project including additional water for CSIP
- A total of six protests were received from NMFS and CDFW
- Negotiations have resulted in dismissal terms on two of the water rights applications so that the PWM Project can proceed.



# Summary

- June 2016 BOD/BOS approved settlement terms
- CDFW Agreement consistent with settlement terms



## TODAY'S ACTION

Approve the Settlement Agreement between Monterey County Water Resources Agency (Applicant), Monterey Peninsula Water Management District, Monterey Regional Water Pollution Control Agency and California Department of Fish and Wildlife (Protestant) for the action Before the State Water Resources Control Board of the State of California In the Matter of *Water Rights* Applications 32263A, 32263B, and 32263C, substantially in the form attached; and, authorize the General Manager to execute the Agreement.







# TODAY'S ACTION

Consider:

- a) Authorizing the purchase and installation of six of the 11 ALERT gages to replace those gages damaged by the Soberanes Fire at a cost not to exceed \$56,000 from Fund No. 113 – Countywide;
- b) Authorizing the Auditor-Controller to amend the Monterey County Water Resources Agency FY 2016-17 Adopted Budget for Fund 113 – Countywide, WRA 003 to increase appropriations by \$56,000 financed by Fund 113, WRA 003 unassigned fund balance (4/5<sup>th</sup> vote required);
- c) Authorizing the General Manager to execute a standard agreement for the purchase and installation of the gages and ancillary equipment, goods, services and software to effectuate the installation of the gages; and
- d) Finding that the purchase of the gages is necessary in response to the Soberanes Fire, and an expenditure falling within the scope of County Emergency Proclamation, Resolution No. xxx dated xxx by the County Board of Supervisors.





# Committee Action

- None
- This was brought to staff's attention after the Planning Committee meeting on October 5, 2016



# Financial Impact

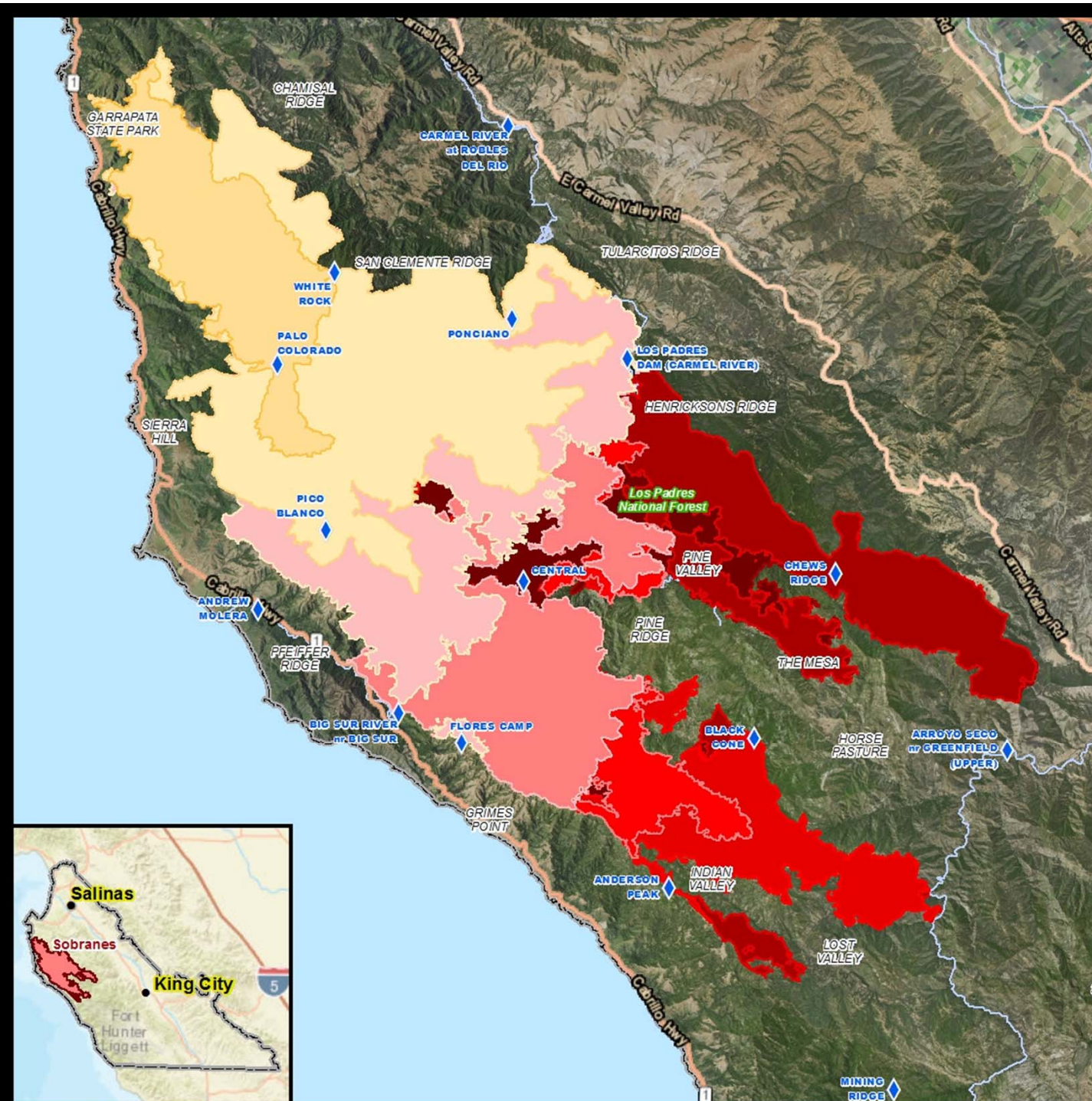
- NTE \$56,000 from Countywide Fund 113



# Discussion

- Soberanes Fire – most costly fire to contain in US history
- As of late September
  - County emergency response efforts > \$1M
  - Damage to public infrastructure > \$5M
  - Agency ALERT gages
    - Possible loss of 11 gages equaling approximately \$120,000
- Public in Big Sur area already asking for Agency to start gage replacement
  - Fire was still burning (September 12)





## Gage Listing

- White Rock
- Palo Colorado
- Ponciano Peak
- Pico Blanco
- Los Padres
- Big Sur River
- Flores Camp
- Central
- Chews Ridge
- Anderson Peak
- Black Cone



You replied to this message on 10/12/2016 7:52 AM.

From: Butch Kronlund <bpkronlund@aol.com>  
To: Johnson, Robert  
Cc: Ken Ekelund  
Subject: Fwd: MCWRA Rain Gauges

Sent: Tue 10/11/2016 6:29 PM

**From:** Butch Kronlund <bpkronlund@aol.com>  
**Date:** September 12, 2016 at 4:41:17 PM PDT  
**To:** [leekm@co.monterey.ca.us](mailto:leekm@co.monterey.ca.us)  
**Cc:** [ChardavovneDE@co.monterey.ca.us](mailto:ChardavovneDE@co.monterey.ca.us); [baumanl@co.monterey.ca.us](mailto:baumanl@co.monterey.ca.us)  
**Subject:** MCWRA Rain Gauges

Hi Kathleen-

Preliminary indications from the Baer Team debris flow modeling are pointing up the importance of having an accurate, real time warning system in place. Part of that warning system is reliant on fully operational rain gauges in places that are meaningful to folks living in and or below the Soberanes burn areas.

I know everyone associated with this incident is still working very hard to respond to the ongoing emergency, but looking at the calendar, it is definitely not too soon to pivot towards winter preparedness. Let me know if we can be of assistance in accessing private property or anything else you think of, in order for those preparations to move forward.

Talk soon,  
Butch

Butch Kronlund  
CPOA  
48280 Highway 1





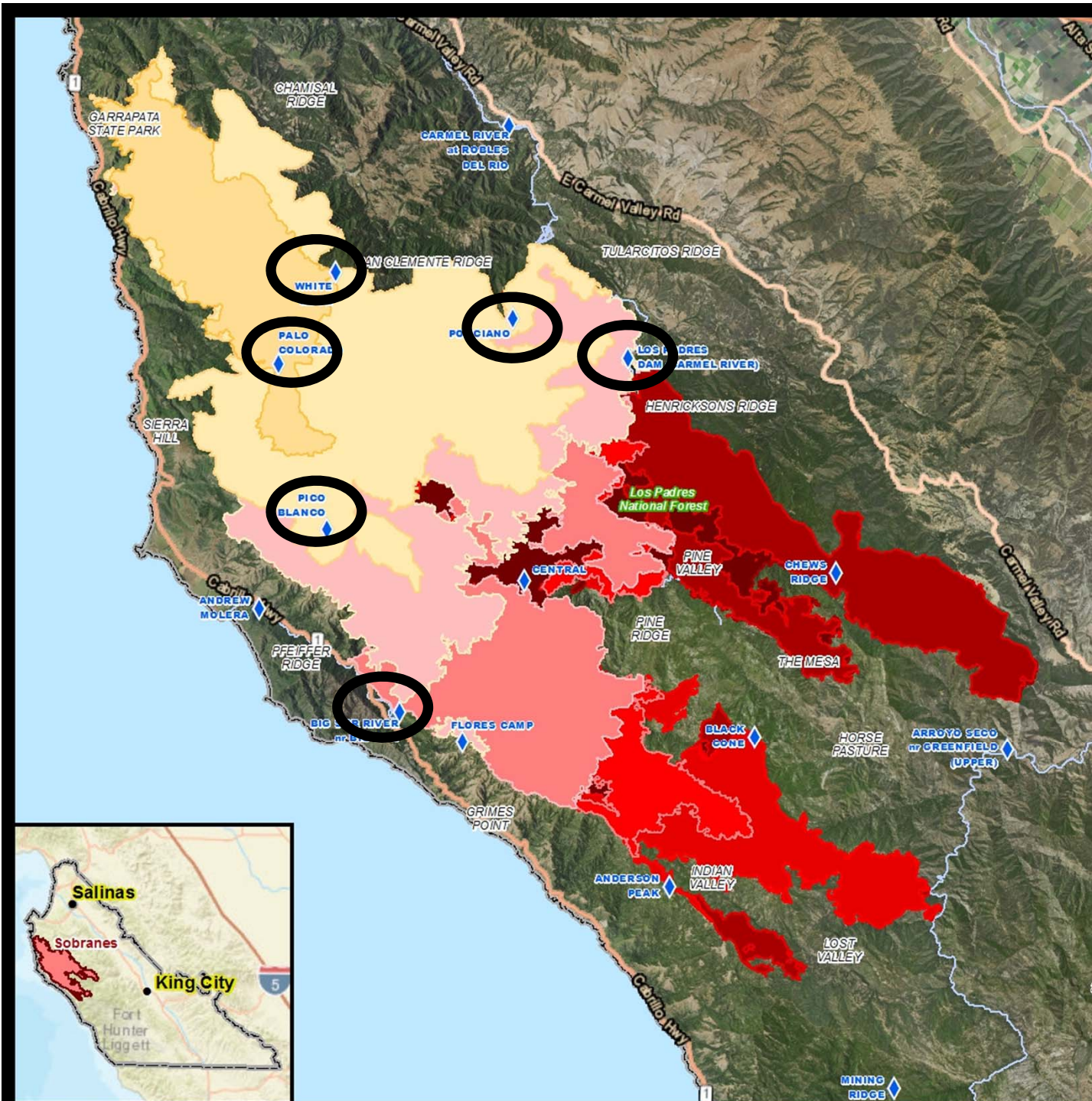
## Discussion (cont.)

- Public's concerns similar to 2008/09 Basin  
Complex fire-related concerns
  - Rainfall intensities
  - Debris flow / landslide potential
- NWS utilizes Agency ALERT System for weather surveillance, forecasting and rainfall intensity calculations
- Replacement of gages critical to monitoring of rainfall events this winter



## Discussion (cont.)

- Though 11 gages may be damaged, these six gages are prioritized for replacement in the Big Sur area:
  - Ponciano (\$10,000)
  - Pico Blanco (\$10,000)
  - Los Padres (\$10,000)
  - Big Sur River near Big Sur (\$6,000)
  - White Rock (\$10,000)
  - Palo Colorado (\$10,000)



## Replacement Gage Listing

White Rock  
 Palo Colorado  
 Ponciano Peak  
 Pico Blanco  
 Los Padres  
 Big Sur River



## Discussion (cont.)

- It is planned to bring remaining gage replacement strategy to the BOD next meeting
- October 11 – excerpt from email from County OES:

“We have received verbal notification from CA OES that Monterey County has been denied funding assistance for the Soberanes Fire through the CA Disaster Assistance Act. Nick (Chiulos – County Administrative Office) has approved our pursuing a reconsideration, or appeal, of their decision...”



# Summary

- Soberanes Fire most costly to contain in US history
- Eleven ALERT gages possibly damaged in burn area
- Gages are critical to storm surveillance and warning
- Public asking Agency initiate gage replacement
- Six gages selected for priority replacement
- Funds to come from Countywide unassigned fund balance
- At this time – no CDAA funds coming to MC



# TODAY'S ACTION

- a) Authorize the purchase and installation of six of the 11 ALERT gages to replace those gages damaged by the Soberanes Fire at a cost not to exceed \$56,000 from Fund No. 113 – Countywide;
- b) Authorize the Auditor-Controller to amend the Monterey County Water Resources Agency FY 2016-17 Adopted Budget for Fund 113 – Countywide, WRA 003 to increase appropriations by \$56,000 financed by Fund 113, WRA 003 unassigned fund balance (4/5<sup>th</sup> vote required);
- c) Authorize the General Manager to execute a standard agreement for the purchase and installation of the gages and ancillary equipment, goods, services and software to effectuate the installation of the gages; and
- d) Find that the purchase of the gages is necessary in response to the Soberanes Fire, and an expenditure falling within the scope of County Emergency Proclamation, Resolution No. xxx dated xxx by the County Board of Supervisors.









# TODAY'S ACTION

Consider receiving an update on the  
Status of the County of Monterey's  
*“Salinas River Groundwater Basin Investigation”*





# Committee Action

- None



# Financial Impact

- Agency's participation in this project is being financed through an MOU with the County
- None from receiving this report



# Discussion

## *“Salinas River Groundwater Basin Investigation”... (Basin Investigation)*

- Five-year comprehensive water resources assessment of Zone 2C of the Salinas River Groundwater Basin
- Assess the general health of the Basin with regards to its ability to provide a sustainable supply of water for land use activities projected to the year 2045



## Discussion (cont.)

- Objectives:
  - Evaluate existing Sea Water Intrusion (SWI) and groundwater levels throughout the five year study period (2014 – 2018)
  - Evaluate water demand for existing and future uses projected to the year 2045 through the development of an integrated groundwater/surface water model
  - Evaluate and provide conclusions regarding future trends and expected changes in groundwater elevations and SWI
  - Review potential climate change impacts and incorporate climate change model data into the integrated groundwater/surface water model



# Discussion (cont.)

- Milestones:

- July 2014: County begins Basin Investigation study contracting Brown and Caldwell; with managerial and technical assistance from Agency
- January 2015: *“State of the Salinas River Groundwater Basin”* Brown and Caldwell
- May 12, 2015: TAC comprised of qualified professionals representing Stakeholders is formed and begins meeting on a monthly basis as necessary
- December 16, 2015: Kickoff Meeting, Stakeholder outreach. Announced that model development would transition from consultant to U.S. Geological Survey (USGS)



# Discussion (cont.)

- Milestones (cont.):
  - April 2016: County enters into an agreement with the USGS to perform tasks related to the development of the Salinas Valley Integrated Hydrologic Model (SVIHM)
  - May 10, 2016: TAC meets to discuss transition of project to USGS and continue work on developing conceptual model and geologic framework
  - June 7, 2016: Project Team reaches out to a group of approximately 20 Salinas Valley agricultural experts and advisors (academic, government, agricultural associations, private sector)





# Discussion (cont.)

- Milestones (cont.):
  - July 12, 13 and 14, 2016: Stakeholder outreach meetings in Salinas, Soledad and King City.
  - September 7, 2016: Outreach Team collaborates with Monterey County Farm Bureau on continuing outreach efforts
  - September 13, 2016: TAC meets and receives a summary of the July Stakeholder meetings and is updated on model development



# Discussion (cont.)

- Moving Forward:
  - Model construction will continue through November, with initial calibration of the historical model run (1967-2014) to be presented at the December 13, 2016 TAC
  - The integration of a reservoir operations module is expected to begin in December 2016
  - Spring 2017:
    - Presentation to BOS results of the SVIHM-2014; water budget, groundwater levels, SWI
    - County to engage consultant to begin economic/landuse analysis projections to year 2045



# Discussion (cont.)

- Moving Forward (cont.):
  - Summer 2017:
    - Continue updates and calibration to SVIHM for years 2015 and 2016
    - Begin collaboration with U.S. Bureau of Reclamation (et.al.) utilizing the SVIHM to evaluate climate change impacts in the Salinas Valley to year 2100
  - Fall 2017:
    - Presentation to BOS the results of the SVIHM-2015 and SVIHM-2016
  - Spring/Summer 2018
    - Continue updates and calibration to SVIHM for 2017
    - Presentation to BOS results of the SVIHM-2017
    - County to engage consultant to begin work necessary to meet remaining objectives of Basin Investigation



# Discussion (cont.)

## ■ Moving Forward (cont.):

### – 2019:

- Continue updates and calibration to SVIHM for 2018
- Complete year 2045 SVIHM analysis
- Complete U.S. Bureau of Reclamation climate change analysis (to year 2100)
- Presentation of final project report with analysis, conclusions and recommendations to BOS (Consultant)
- USGS Scientific-Investigation Report and Technical Memorandums



# Discussion (cont.)

## ■ Interlake Tunnel

### – January 2017: SVIHM-2014 Baseline Model

- Baseline model configured from calibrated historical SVIHM-2014 with integrated reservoir operations module
- Hydrologic period 1967 – 2014 (47 year period)
- 2014 Water demand
- Consultant to configure model to quantify and analyze benefits/impacts of the project(s)
- Consultant to configure model for climate change analysis utilizing same data developed for U.S. Bureau of Reclamation study



# TODAY'S ACTION

Receive an update on the  
Status of the County of Monterey's  
*“Salinas River Groundwater Basin Investigation”*







# TODAY'S ACTION

Consider Receiving an update on the status of the Salinas Valley Water Project Biological Opinion and future need for a Habitat Conservation Plan and provide direction to staff.







# Committee Action

- Planning – October 5, 2016



# Prior BOD/BOS Action

- None



# Financial Impact

- None for receiving this report



## Discussion (cont.)

- June 2, 2016 The Otter Project submitted a “Sixty-Day Notice of Intent to Sue for Endangered Species Act and Clean Water Act Violations in Relation to the Salinas Valley Water Project”
- Notice was sent to:
  - US Department of Commerce
  - US Army Corps of Engineers
  - National Oceanic and Atmospheric Admin.
  - Monterey County Water Resources Agency



## Discussion (cont.)

- On August 5, 2016 US Army Corps of Engineers reinitiated Section 7 Consultation on the SWVP biological opinion issued by NMFS
- On September 27, 2016 Agency staff met with Corps and NMFS
  - NMFS expects to issue a new BO for the SVWP
  - New BO would expire in three or so years
  - Expect to see a Habitat Conservation Plan (HCP) replace the BO to provide incidental take coverage



## Discussion (cont.)

- What does a new BO for SVWP mean?
  - Agency provides NMFS with a “new” project description
    - Basically the original project description (needs to remain consistent with EIR and existing water rights)
  - NMFS consults on new BO
    - New BO issued
    - Expect to be valid for 3 years
  - After 3 years would be replaced with HCP



## Discussion (cont.)

- Why move to HCP from a Biological Opinion?
  - Corps 404 permit is a federal action that requires ESA consultation under Section 7
  - Corps jurisdiction under 404 does not cover operations
  - Corps limits consultation to activities that are covered under the 404
  - Leaves many projects without a federal nexus
  - Projects still have to comply with ESA using Section 10 (HCP) as the vehicle to receive incidental take permits (ITP)



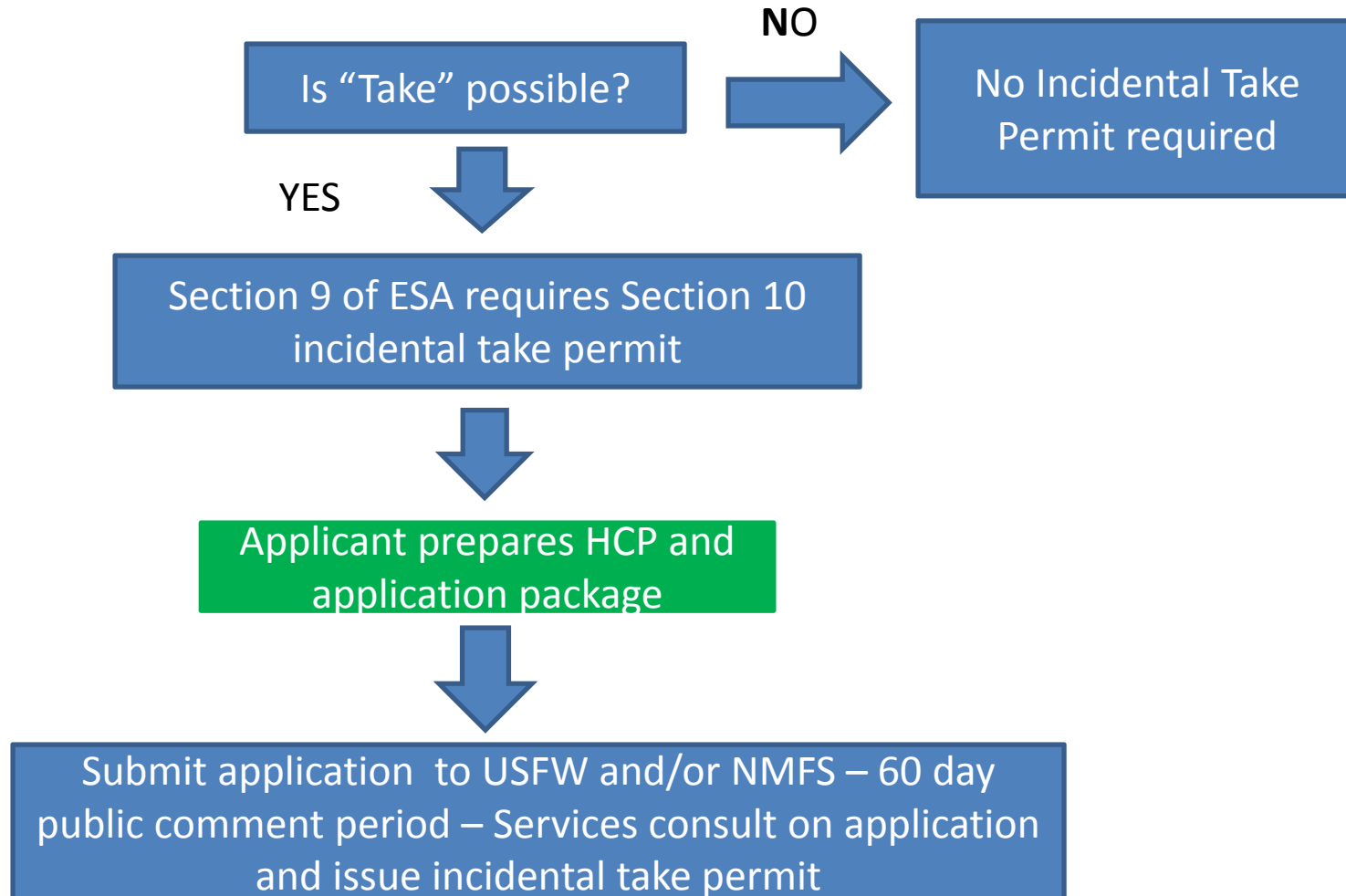
# Discussion (cont.)

- What is a Habitat Conservation Plan?
  - Provides coverage for incidental “take” under the ESA for non-federal lawful projects (i.e. no federal nexus)
  - “take” is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction).
  - Can allow for streamlined permitting for projects within an HCP area



# Discussion (cont.)

## ITP Permit process for non-Federal projects





# Discussion (cont.)

- What must a HCP application contain?

- Appropriate draft NEPA document

- Completed HCP with 4 mandatory elements

1. Impacts likely to result from the proposed taking of the species for which permit coverage is requested

- 2.(a) Mitigation, monitoring and minimization measures; (b) identifies funding that will be made available for implementation

3. Alternatives analysis

4. Additional measures as necessary



# Discussion (cont.)

- 1. Identifying Project Impacts on species
  - Delineate HCP Boundaries
  - Collect and synthesize biological data for species to be covered by HCP
  - Identify proposed activities likely to result in take
  - Determine/quantify anticipated take levels
  - Address indirect project effects
  - Address effects on critical habitat



# Discussion (cont.)

- 2a. Typical Mitigation and Minimization actions
  - Avoid the impact
  - Minimize the impact
  - Rectify the impact
  - Reduce or eliminate the impact over time
  - Compensate for the impact
  - Habitat mitigation (preservation or restoration)
  - Fund recovery measures



# Discussion (cont.)

## ■ 2a. Monitoring Measures

- Compliance Monitoring
- Effects and Effectiveness Monitoring
- Includes
  - Develop objectives for monitoring program
  - Identify variables to be monitored
  - Specify how the data will be collected
  - Detail frequency, timing and duration of sampling
  - Describe how data will be analyzed and by whom



# Discussion (cont.)

## ■ 2b Funding

- ESA requires that the HCP detail the funding that will be made available to implement proposed mitigation program



# Discussion (cont.)

- 3. Alternatives Analysis
  - No action alternative
  - Any specific alternative that would reduce anticipated take levels
  
- 4. Additional Measures
  - Usually an Implementing Agreement
  - Depends on size and scope of HCP and wishes of the Services and/or applicant



## Discussion (cont.)

- Application should also contain:
  - Biological goals and objectives of the HCP
  - Adaptive management strategy





# Discussion (cont.)

- Things for Agency to consider in developing an HCP
  - What geographical area and what activities should be covered?
    - O&M at reservoirs
    - SRDF
    - Slide gate at OSR
    - Salinas River SMP
    - Interlake Tunnel and Spillway mod operations
    - Salinas Lagoon Sandbar management
  - What species to be addressed?
    - Only those under NMFS jurisdiction?
    - Include USFS?



## Discussion (cont.)

- Activities that could assist with HCP development
  - Long-term management for Salinas River and Lagoon
  - Interlake Tunnel & Spillway Modification EIR
  - Salinas River Stream Maintenance Program



# Discussions (cont.)

- Questions to be answered
  - What will HCP look like and include?
  - What partnerships are critical to development and implementation?
  - How will development and implementation be funded?
  - How does a HCP timeline fit with other Agency projects?



# Discussions (cont.)

- Next steps
  - Provide project description for SVWP to NMFS
  - Discuss HCP concept with NMFS & USFW
  - Investigate HCP options
    - Regional
    - Multi-species
    - Programmatic
    - Other



# Summary

- Corps has reinitiated consultation for SVWP BO with NMFS
- Agency will likely have to provide NFMS with new Project Description and receive new BO
- New BO will likely have limited timeframe (3 yrs)
- Only option for “take” coverage with no federal nexus is HCP



# TODAY'S ACTION

Receive an update on the status of the Salinas Valley Water Project Biological Opinion and future need for a Habitat Conservation Plan and provide direction to staff.







# TODAY'S ACTION

Consider receiving an update on the Sustainable Groundwater Management Act Groundwater Sustainability Agency formation process







# Committee Action

- BMP Committee and full BOD have received periodic pertinent updates about the GSA formation process



# Financial Impact

- Unknown at this time
- None from receiving this report



# Discussion

- CWG has continued their work through 10 meetings now
- A Large Stakeholder meeting was held on September 8, 2016 to provide information to the public and seek feedback



# Discussion (cont.)

- Reminder:
  - SGMA – late 2014
  - GSA needs to be formed by June 30, 2017
  - Intervention by SWRCB is possible if no GSA formed by deadline

# SGMA Steps to Groundwater Sustainability

## Step one

Form  
Groundwater  
Sustainability  
Agency

June 30, 2017

## Step two

Develop  
Groundwater  
Sustainability  
Plan

January 31, 2020

For Basins designated high or  
medium *and critical overdraft*

## Step three

Achieve  
Sustainability

20 years after  
adoption of  
plan\*

\* DWR may grant up to two, five-year  
extensions on implementation upon  
showing of good cause and progress

## CASGEM Groundwater Basin Prioritization — South Central Region

Where  
does  
the law  
apply?

State decides  
per document  
called  
Bulletin 118





# Discussion (cont.)

## Management Responsibilities (Required by Law)

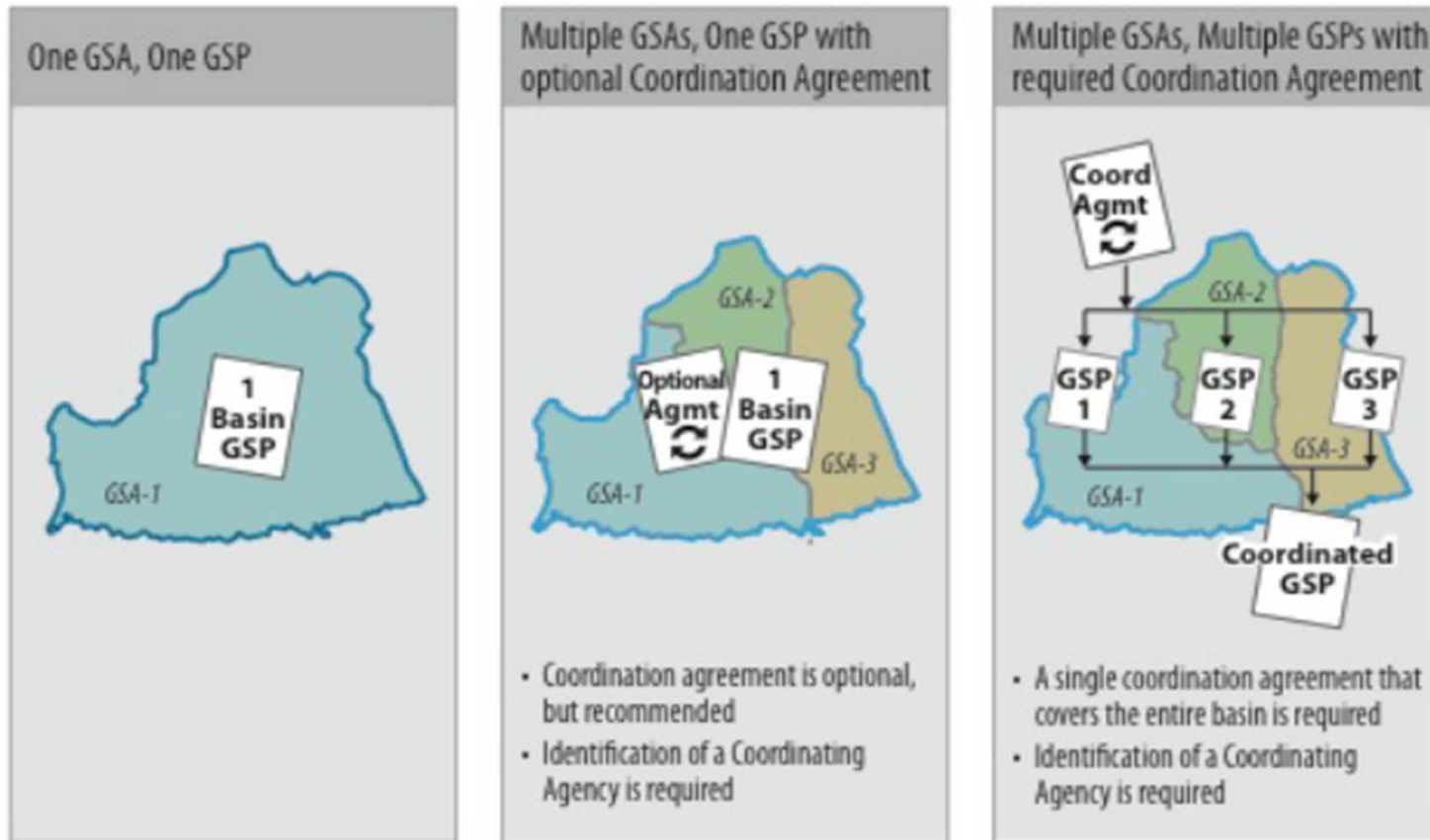
- Prepare and implement GSP
- Maintain basin sustainability
- Conduct public hearing on plan
- Submit annual reports

## Authorities (Discretionary Tools)

- Conduct studies
- Register / monitor wells
- Require extraction reporting
- Regulate extractions
- Implement projects
- Assess fees to cover costs
- Rules, regulations

# Discussion (cont.)

## What are the GSA options?



Source: California Department of Water Resources



## GSA's under Consideration in Salinas Valley

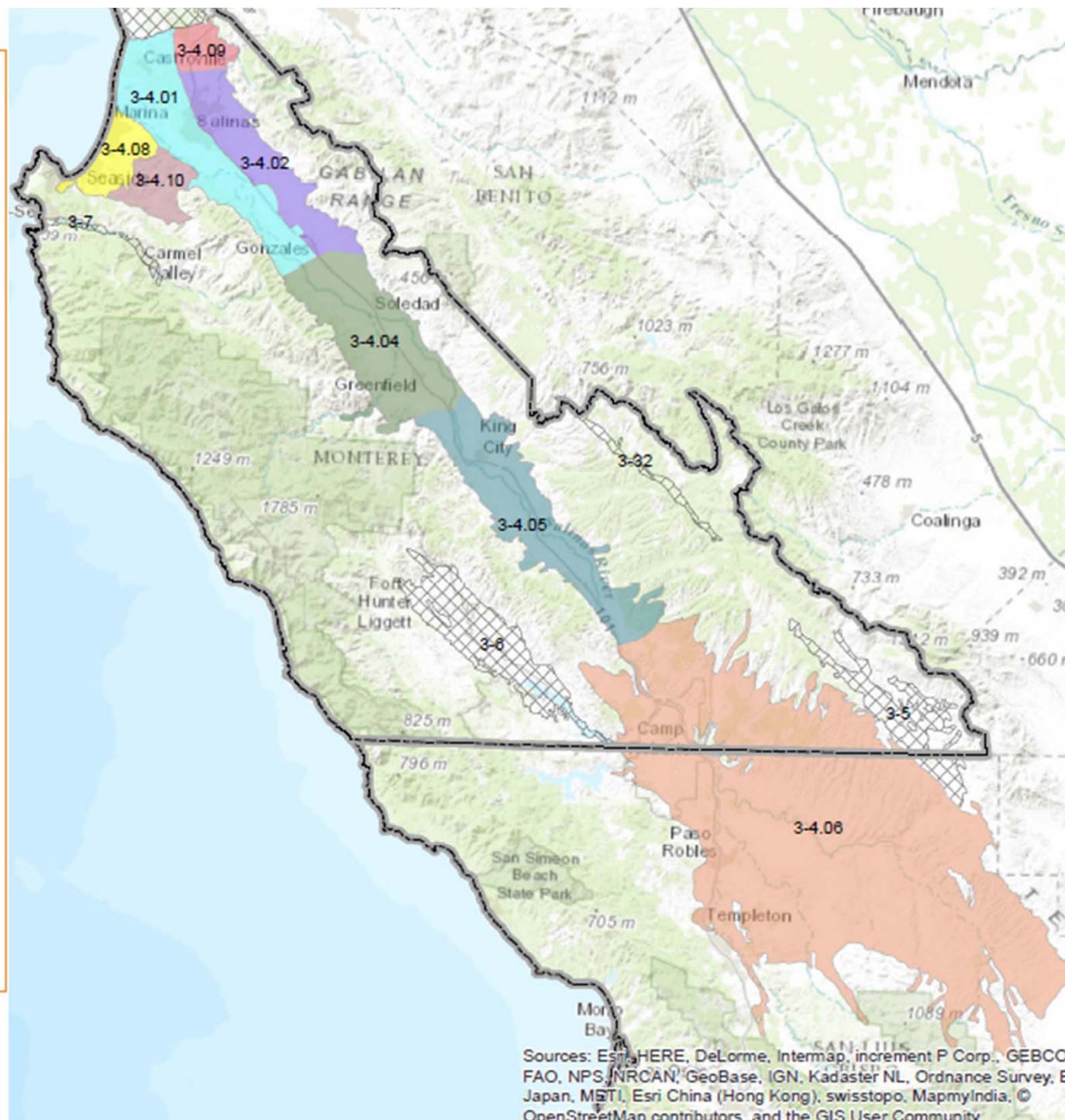
Salinas Valley: north of county line

Marina Coast W.D.

Paso Robles, south of county line

Paso Robles, Atascadero Region

[Seaside, managed under adjudication per legislation]



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

# Who Decides in Salinas Valley?

- Boards and Councils of eligible local public agencies **make the final decision** on forming the groundwater sustainability agency(s)
- Salinas Valley groundwater **collaborative effort will make recommendations**





# Discussion (cont.)

- Groundwater Sustainability Agency
  - Who's eligible
    - Local agency or combination of local agencies
    - Local agency is a public agency that has land use, water management, or water supply responsibilities
  - Non GSA-eligible entities can be part of the GSA, as stipulated in the legal structure



# Discussion (cont.)

- Legal Structure Options
  - Memorandum of Agreement (MOA)
  - Joint Powers Authority (JPA)
  - Legislation
    - New entity or Restructure existing entity
  - Another type of Legal Agreement
  
- CWG recommended Legal Structure (currently)
  - JPA with separate entity
  - Transition to GSA entity created via legislative action



# Discussion (cont.)

## ■ Options Evaluated

### – MOA

- One entity would serve as GSA: its Board = GSA Board
- Individual entities liable unless selected entity agrees to indemnify

### – Legislation

- Created new authority, or reconstitute WRA
- Process would miss deadline
- Vulnerable to political dynamics in legislature
- Possible future option to protect board composition



# Discussion (cont.)

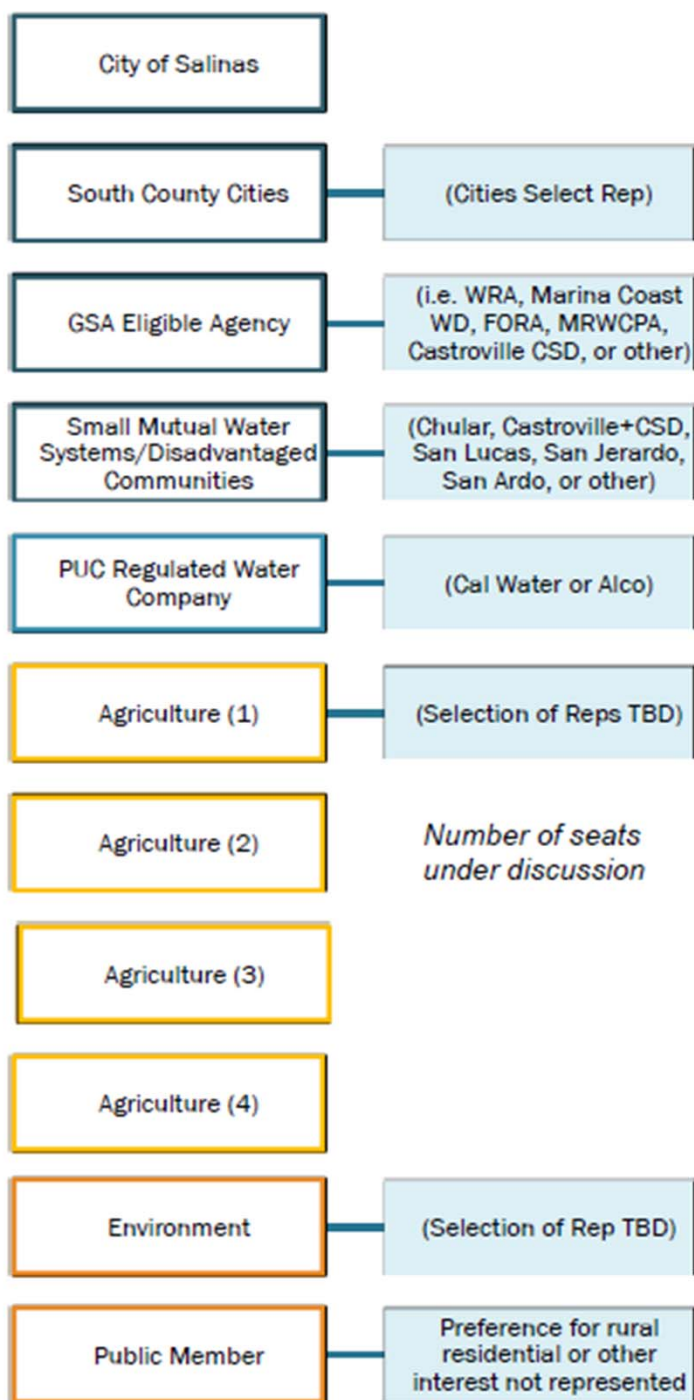
- JPA
  - About
    - Authorizes joint exercise of powers of member agencies
    - Can create new legal entity
      - Members are insulated from liability and debts
    - JPA members create Governing Board
    - Board members can differ from JPA members
    - Voting requirement to change agreement
  - Why was this recommended?
    - Timely formation – able to meet State deadline
    - Liability protection
    - Governing board based on consensus recommendation

## Governing Board Salinas Valley GSA (11 seats)

proposal for discussion

Combination of GSA-eligible  
and Interest Group /  
Groundwater Users

Selection process + voting to  
be decided





## Discussion (cont.)

- Why this Governing Board?
  - Balance in decision making
  - Represent major interests
  - Agriculture is primary economic driver – needs “meaningful” voice in governance
  - Interdependence between cities / urban and agriculture
  - Manageable Size – Limit 5 to 11 members

Recommendation from initial surveys and interviews with SV stakeholders





# Discussion (cont.)

## Salinas Valley GSA Formation Process Time line





# Summary

- Reviewed SGMA and GSA formation processes, including formation options, State-imposed deadline and consequences
- Discussed management responsibilities and authorities
- Presented legal structure options
- Presented proposed GSA Governing Board
- Presented a GSA formation strategy: From JPA to legislatively-created entity



# TODAY'S ACTION

Receive an update on the Sustainable  
Groundwater Management Act Groundwater  
Sustainability Agency formation process







# TODAY'S ACTION

Consider receiving a report on the Water Resources Agency options, post Groundwater Sustainability Agency formation





# Committee Action

- Planning Committee received this report at their October 5, 2016 meeting



# Financial Impact

- None from receiving this report
  
- Unknown at this time



# Discussion

- Agency's mission:

*The Water Resources Agency manages, protects, stores and conserves water resources in Monterey County for beneficial and environmental use, while minimizing damage from flooding to create a safe and sustainable water supply for present and future generations*





## Discussion (cont.)

- Under Agency Act, Agency performs or can perform a majority of SGMA GSA functions and responsibilities
- SGMA GSA formation efforts are currently on-going
- Outcome is unknown at this time
- State deadline for formation is June 30, 2017



## Discussion (cont.)

- As part of the Strategic Planning workshop this year, it would be prudent to evaluate / discuss options for the Agency post-GSA formation
- Comparison of Agency and GSA responsibilities and authorities

## Comparison of MCWRA's Responsibilities and Authorities with a GSA's Responsibilities and Authorities

Management Responsibilities (Required by SGMA)	GSP - Preparation / Implementation	Maintaining groundwater basin sustainability	Submittal of Annual Reports	Periodic review of GSP
What a GSA can do	X	X	X	X
What the Agency currently does				
What the Agency has authority to do				

SGMA grants a GSA specific powers, but the GSA will also have all powers held by the underlying public agency or agencies, including eminent domain and the authority to incur bonded indebtedness.

The Agency currently does not do this because these plans do not exist. The Agency does prepare and implement plans that are centered around sustainability.

Management Authorities (GSA Discretionary Tools)	Ability to establish rules, regulations, ordinances and resolutions	Conduct investigations (including water rights)	Inspect property	Require metering	Require Extraction Reporting	Acquire / hold property of all kinds	Appropriate / Import / store water	Transport / reclaim / purify / desalinate / treat polluted water / wastewater	Implement Capital Projects
What a GSA can do	X	X	X	X	X	X	X	X	X
What the Agency currently does	X	X	X	X	X	X	X	X	X
What the Agency has authority to do	X	X	X	X	X	X	X	X	X

Management Authorities	Provide for a voluntary following program	Regulate / limit / suspend extractions	Regulate / limit / suspend new well construction	Impose fees including permits and extraction fees	Impose penalties for not paying fees	May enter into lawsuit for delinquency	Floodplain Management	Development Review	Flood Channel Maintenance	ALRT System Operations
What a GSA can do	X	X	X	X	X					
What the Agency currently does						X	X	X	X	X
What the Agency has authority to do	X	X	X	X	X	X	X	X	X	X

The Agency has the authority to require meters on wells, regulate extractions, and impose fees and penalties, though it has not based on the attempt to do that very thing in the early 1990's (four-year drought) and the resulting litigation.

# Discussion (cont.)

## Expansion of Management Authorities Table: Partial Listing of Agency Projects / Programs that fit within these categories

Management Authorities (GSA Discretionary Tools)	Ability to establish rules, regulations, ordinances and resolutions	Conducts investigations (including water rights)	Inspect property	Require metering	Require Extraction Reporting	Acquire / hold property of all kinds	Appropriate / Import / store water	Transport / reclaim / purify / desalinate / treat polluted water / wastewater	Implement Capital Projects
What a GSA can do	X	X	X	X	X	X	X	X	X
What the Agency currently does	X	X	X		X	X	X	X	X
What the Agency has authority to do	X	X	X	X	X	X	X	X	X
Agency Authority / Program	Agency Act	Agency Act	Agency Act	Agency Act	Agency Act	Agency Act	Agency Act	Agency Act	Agency Act
		GWL monitoring			GEMS	Leases	Nacimiento	CSIP / SVRP	Nacimiento
		WQ monitoring					San Antonio	PWM	San Antonio
							CSIP / SVRP		CSIP / SVRP
							SVWP		SVWP



## Discussion (cont.)

- Options
  - Agency could do nothing
  - Agency could contract with newly-formed GSA
  - Agency could work in parallel with newly-formed GSA
  - Agency could work strategically with newly-formed GSA to morph into legislatively-formed GSA



# Discussion (cont.)

- Other ideas...
  
- Next steps, in preparation for Strategic Planning workshop
  - Bring this report to full BOD
  - Continue involvement with GSA formation CWG
  - Research options before workshop
  - Present different options to Planning Committee and BOD
  - Present options and recommendation(s) at workshop



# TODAY'S ACTION

Receive a report on the Water Resources Agency options, post Groundwater Sustainability Agency formation

