



MONTEREY COUNTY WATER RESOURCES AGENCY

893 BLANCO CIRCLE
SALINAS, CA 93901
(831) 755.4860
(831) 424.7935 FAX

BOARD OF DIRECTORS

BOARD OF DIRECTORS

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Wini Chambliss, Clerk to the Board
Jesse Avila, Deputy County Counsel

REGULAR BOARD OF DIRECTORS MEETING

Monday, June 27, 2016

A G E N D A

CLOSED SESSION @ 11:00 A.M.

Staff reports relative to the agenda items listed below will be available for public review on the Agency's website by 7:00 PM by Thursday, May 19, 2016 and at the Monterey County Water Resources Agency (Agency), 893 Blanco Circle, Salinas. If additional documents are produced by the Agency and provided to a majority of the Board regarding any item on the agenda after staff reports have been distributed, they will be available at the Agency during normal business hours and posted on the Agency website at http://www.mcwra.co.monterey.ca.us/BOD/BOD/AgendaCurrent_n.htm. For additional information, please contact Wini Chambliss, at (831) 755-4896.

If requested, the agenda and associated documents shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to Wini Chambliss, at (831) 755-4896. Please notify the Agency at least 72 hours in advance to ensure availability of appropriate equipment.

1. CALL TO ORDER/ESTABLISH QUORUM FOR CLOSED SESSION – 11:00 A.M.

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Closed Session under Government Code section 54950, relating to the following items:
Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

- a. Monterey Coastkeeper v. Monterey County Water Resources Agency (Monterey County Superior Court case no. M108858)
- b. Conference with Legal Counsel – Significant Exposure to Litigation

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

Protests of National Marine Fisheries and California Department of Fish and Wildlife to Monterey County Water Resources Agency Water Rights Applications with California State Water Resources Control Board for Blanco Drain (#32263A), Reclamation Ditch (#32263B) and Tembladero Slough (#32263C).

Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representative: Brette Neal; Employee Organizations: Units F and J

3. ADJOURN TO CLOSED SESSION

4. RECONVENE MEETING/RE-ESTABLISH QUORUM (at 1:00 P.M.)

5. PLEDGE OF ALLEGIANCE

6. PUBLIC COMMENTS

*(Limited to three minutes per speaker on matters within Monterey County Water Resources Agency jurisdiction and **not listed** on the agenda. Members of the Public will have the opportunity to ask questions or make statements on agenda items as they are considered by the Board.)*

7. PRESENTATIONS 7

A. Mark Hartunian, City of Soledad
Re: Compensation Agreement

B. David E. Chardavoyne, General Manager
Re: Interlake Tunnel Update

8. CONSENT CALENDAR 9

A. Approve the Action Minutes of the Regular Board of Directors meeting held on May 23, 2016. 11

B. Consider recommending that the Monterey County Water Resources Agency Board of Supervisors:

a. Accept the Certificate of Completion for the Moss Landing Tide Gate “Emergency” Repairs; and

b. Authorize the General Manager of Monterey County Resources Agency to execute and record, within fifteen days with the County Recorder, a Notice of Completion for said public work pursuant to the provisions of California Civil Code Section 9204. 15

C. Consider approving Amendment No. 4 to the Professional Services Agreement with FISHBIO

for fish monitoring work in support of the Salinas Valley Water Project for a one-year extension of time; and authorizing the General Manager to execute the Amendment.... 23

D. Consider approving Amendment No. 2 to a Professional Services Agreement with Lux Environmental LLC to assist in environmental permit acquisition, for an extension of time until June 30, 2017; and, authorizing the General Manager to execute the Amendment. ... 75

9. ACTION ITEMS 95

A. Consider approving Amendment No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc., in the amount of \$50,164 to provide safety surveillance and performance evaluation of San Antonio Dam; and, authorizing the General Manager to execute the Amendment. 97

B. Consider approving the Settlement Terms for Dismissal of Protests to Monterey County Water Resources Agency’s Water Rights Applications, substantially in the form attached; and recommend approval by the Monterey County Water Resources Agency Board of Supervisors 127

C. Consider receiving an update on Nacimiento Water Company and provide direction to staff. 139

D. Consider receiving a report regarding the Sustainable Groundwater Management Act Groundwater Sustainability Agency formation process; and providing direction to Staff.. 161

E. Consider adopting a resolution identifying preliminary mitigation measures for possible impacts to private wells caused by construction of the Interlake Tunnel and Spillway Modification Project 163

10. KEY INFORMATION AND CALENDAR OF EVENTS

11. GENERAL MANAGER’S REPORT

12. COMMITTEE REPORTS

A. Basin Management Plan Committee: Richard Ortiz, Chair

B. Finance Committee: Claude Hoover, Chair

C. Personnel/Administration Committee: Mark Gonzalez, Chair

D. Planning Committee: Deidre Sullivan, Chair

E. Reservoir Operations Committee: David Hart, Chair

13. INFORMATION ITEMS 169

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B. Monterey County Water Recycling Projects & Salinas Valley Water Project/Salinas River Surface Diversion Update 177

C. Reservoir Release Update 181

D. Well Permit Application Activities Update 183

E. Salinas Valley Groundwater Basin Investigation Update	185
F. Completion of the <i>Salinas Valley Water Project Annual Flow Monitoring Report for Operational Season 2015</i>	191
14. CORRESPONDENCE	193
A. Letter dated May 7, 2016 from Nancy Schafhirt to Rob Johnson Re: Appreciation of Jennifer Bodensteiner’s assistance with her project.	195
B. Memorandum dated May 19, 2016 from David E. Chardavoine, General Manager, MCWRA to the Monterey County Board of Supervisors Re: Project Labor Agreement for Interlake Tunnel & Spillway Modification Project	197
C. Letter dated June 3, 2016 from Charles J. McKee, County Counsel to Dierdre Joan Cox Re: Executed Agency/Trades Counsel Signature Page Project Labor Agreement for the Interlake Tunnel & Spillway Modification Projects	199
D. Letter dated June 2, 2016 from Mills Legal Clinic for The Otter Project to the Honorable Penny Pritzker, Secretary of Commerce, U.S. Department of Commerce; Ms. Eileen Sobeck, Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration; Mr. Dave Hart, Board of Directors Chair, Monterey County Water Resources Agency; Lieutenant Colonel John C. Morrow, US Department of the Army, San Francisco District, Corps of Engineers Re: Notice of Intent to Sue for Endangered Species Act and Clean Water Act Violations in Relation to the Salinas Valley Water Project. http://www.mcwra.co.monterey.ca.us/board_of_directors/agenda/2016/6_Notice_of_Intent_to_Sue.pdf	
15. BOARD OF DIRECTORS’ COMMENTS	
16. ADJOURNMENT	