MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF DIRECTORS SALINAS RIVER BASIN MANAGEMENT PLANNING (BMP) COMMITTEE

COMMITTEE MEMBERS

Richard Ortiz, Chair Claude Hoover Deidre Sullivan Abby Taylor-Silva

TIME.

David Bunn, Public Member Don Chapin, Public Member Dennis Sites, Public Member



	9.00 – 11.00 a.m.	CI
DATE:	Wednesday, March 9, 2016	-
PLACE:	Monterey County Water Resources Agency, Board Room	n
	893 Blanco Circle	
	Salinas, CA 93901	
	(831) 755-4860	

AGENDA

1. Call to Order

2. Public Comment

(Limited to three (3) minutes per speaker on matters within the jurisdiction of the Agency not listed on this agenda. The public will have the opportunity to ask questions and make statements on agenda items as the Committee considers them.)

- **3.** Approve the Minutes of the Meeting held on February 10, 2016. The Committee will consider approval of the Minutes of the above-mentioned meeting.
- 4. Hold a workshop on the Sustainable Groundwater Management Act Basin Boundary modification process.

Robert Johnson, Deputy General Manager, will present this item to the Committee.

5. Set next meeting date and discuss future agenda items. The Committee will discuss and determine details for its next meeting.

6. Adjournment

MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF DIRECTORS SPECIAL SALINAS RIVER BASIN MANAGEMENT PLAN (BMP) COMMITTEE

Richard Ortiz, Chair Claude Hoover Deidre Sullivan Abby Taylor-Silva Dennis Sites, Public Member Don Chapin, Public Member David Bunn, Public Member

TIME: 8:30 a.m. DATE: Wednesday, February 10, 2016 PLACE: Monterey County Water Resources Agency Board Room 893 Blanco Circle Salinas, CA 93901 (831) 755-4860

MINUTES

1. Call to Order @ 8:35 a.m. by Committee Chair Richard Ortiz.

Members present: Directors Ortiz, Hoover. Sullivan, Taylor-Silva and Public Member Sites

Members absent: Public Members Bunn and Chapin

A quorum was established.

- 2. Public Comment: None
- 3. Approve the Minutes of the Meeting held on January 13, 2016.

Committee Action: On motion and second of Committee members Hoover and Sites respectively, by unanimous vote approved the Minutes of the Salinas River Basin Management Planning Committee meeting held on January 13, 2016.

 Consider receiving an update on the Sustainable Groundwater Management Act Basin Boundary adjustment requests; and, providing direction to Staff.
 Robert Johnson, Deputy General Manager, presented this item to the Committee.

Public Comment: John Baillie, Jack Baillie Co., Tom Virsik

Committee Action: On motion and second of Committee members Sullivan and Sites respectively, by unanimous vote received the update on the Sustainable Groundwater Management Act Basin Boundary adjustment requests; and, requested that the next Basin Management Planning Committee, scheduled for March 9, 2016, be a workshop to discuss boundaries further. 5. Consider receiving an update on the Interlake Tunnel and Spillway Modification Projects presentation given to the Agency Board of Supervisors on February 9, 2016. David Chardavoyne, General Manager, presented this item to the Committee.

Committee Action: On motion and second of Committee members Hoover and Sites respectively, by unanimous vote received the update on the Interlake Tunnel and Spillway Modification Projects presentation given to the Agency Board of Supervisors on February 9, 2016.

6. Set next meeting date and discuss future agenda items.

The next meeting date is set for March 9, 2016 at 8:30 a.m. This meeting will be a workshop to further discuss Sustainable Groundwater Management Act Basin Boundary adjustments.

7. Adjournment at 10:15 a.m.

Submitted by: Alice Henault

Approved on:

MONTEREY COUNTY WATER RESOURCES AGENCY BOARD OF DIRECTORS – BMP COMMITTEE

MEETING DATE:	March 9, 2016		AGENDA ITEM:	
AGENDA TITLE:	Hold a workshop on the Sustainable Groundwater Management Act Basin Boundary modification process			
Consent () Action () Information (X)				
SUBMITTED BY: PHONE:	Robert Johnson (831) 755-4860	PREPARED BY: PHONE:	Robert Johnson (831) 755-4860	
DEADLINE FOR BO	DARD ACTION:	March 28, 2016		

RECOMMENDED BOARD ACTION:

Hold a workshop on the Sustainable Groundwater Management Act Basin Boundary modification process

SUMMARY / DISCUSSION:

At the February 2016 BMP Committee meeting, it was requested that a workshop on the Sustainable Groundwater Management Act (SGMA) Basin Boundary modification process be held in place of the regular BMP Committee meeting.

In response, the March 9, 2016, BMP Committee meeting will be a public workshop on the SGMA Basin Boundary modification process. Attached to this report is: 1) a DRAFT agenda for the workshop; 2) a handout about the SGMA developed by the State; 3) a Frequently Asked Questions (FAQ) sheet developed by the State about basin boundary modifications; and 4) a Briefing Paper about groundwater basins in Monterey County and the issues regarding basin boundary modifications.

OTHER AGENCY INVOLVEMENT:

None

FINANCING:

None

FINANCIAL IMPACT:	YES ()	NO ()
FUNDING SOURCE:	N/A	
COMMITTEE REVIEW AND RECOMMENDATION:	BMP Committee recommended having this February 10, 2016 meeting	s workshop at their
ATTACHMENTS:	 DRAFT Workshop Agenda State SGMA Handout State FAQ Sheet about Basin Boundary MCWRA Briefing Paper about possible 	
APPROVED:		
	General Manager	Date



MONTEREY COUNTY WATER RESOURCES AGENCY

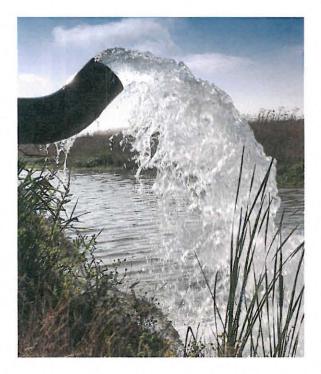


BMP Committee

SGMA BASIN BOUNDARY MODIFICATION WORKSHOP MCWRA Board Room March 9, 2016 9:00 am – 11:00 am

Agenda

- 1. Welcome
- 2. Introduction to SGMA
- 3. Groundwater Basins in Monterey County
- 4. Basin Priorities as defined by State
- 5. Why Modify?
- 6. Area of Possible Basin Boundary Modifications
- 7. Proposed Basin Boundary Modifications
- 8. Questions / Wrap-up
- 9. Adjournment



What is sustainable groundwater management?

Sustainable groundwater management balances groundwater resources in a manner that ensures basin resiliency and benefits present and future generations. The SGMA defines **sustainable groundwater management** as the management of groundwater supplies in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.

The **planning and implementation horizon** is a 50-year time period over which plans and measures will be implemented in a basin to ensure that the basin is operated within its sustainable yield. **Sustainable yield** is the maximum quantity of water that can be withdrawn annually from a groundwater supply without causing undesirable results (as calculated over a base period that represents long-term conditions including any temporary surplus). **Undesirable results** include significant and unreasonable chronic lowering of groundwater levels, reduction of groundwater storage, seawater intrusion, degraded water quality, land subsidence, and depletion of interconnected surface waters.

The SGMA directs DWR to publish best management practices for sustainable groundwater management by January 1, 2017.

Resources

Financial

Proposition 1 provides \$100 million for sustainable groundwater management planning and related projects. The proposition also provides substantial funding for groundwater cleanup, storage projects, and other actions that will help local agencies sustainably manage groundwater. Information on how local agencies can apply for Proposition 1 funding will become available as soon as July 2015.

Technical

The SGMA calls on the state to provide technical assistance to groundwater sustainability agencies and to entities that extract or use groundwater to promote water conservation and protect groundwater resources. Both state and local agencies will provide assistance. For updates on state efforts, please visit the agency websites listed below.

CalEPA

California Groundwater www.groundwater.ca.gov

Department of Water Resources Groundwater Information Center

www.water.ca.gov/groundwater/

State Water Resources Control Board

Groundwater Management Program http://www.waterboards.ca.gov/water_issues/programs/gmp/

> All photographs in this brochure are credited to the California Department of Water Resources

> > January 2015

Sustainable Groundwater Management Act

EUREKA

"Local agencies will now have the power to assess the conditions of their local groundwater basins and take the necessary steps to bring those basins in a state of chronic long-term overdraft into balance."

> -Governor Edmund G. Brown Jr. From the letter accompanying the signing of AB 1739, SB 1168 and SB 1319



Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) is a package of three bills (AB 1739, SB 1168, and SB 1319) that provides local agencies with a framework for managing groundwater basins in a sustainable manner. Recognizing that groundwater is most effectively managed at the local level, the SGMA empowers local agencies to achieve sustainability within 20 years.

The SGMA:

- Respects regional differences and provides for a tailored approach to planning
- Establishes minimum standards for sustainable groundwater management
- Improves coordination between land use and groundwater planning
- Provides state technical assistance
- Creates a mechanism for state intervention if, and only if, a local agency is not managing its groundwater sustainably
- Protects water rights

Groundwater Basins (Basins)

Department of Water Resources (DWR) Bulletin 118 identifies 515 alluvial groundwater basins in California. The SGMA recognizes these basins as the initial boundaries for groundwater management and directs DWR to develop a process for revising basin boundaries by January 1, 2016.

Groundwater Sustainability Agency (GSA)

A local agency, combination of local agencies, or county may establish a GSA. It is the GSA's responsibility to develop and implement a groundwater sustainability plan that considers all beneficial uses and users of groundwater in the basin. GSAs must be formed by June 30, 2017.

Groundwater Sustainability Plan (GSP)

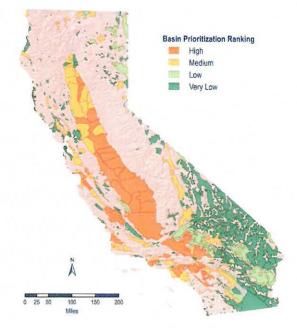
GSAs must develop GSPs with measureable objectives and interim milestones that ensure basin sustainability. A basin may be managed by a single GSP or multiple coordinated GSPs. DWR will develop regulations for evaluating GSPs and alternatives to GSPs by June 1, 2016.

High and Medium Priority Basins:	DWR conducted an initial prioritization of all 515 basins. The SGMA requires high and	
	medium priority basins to develop GSPs. Low and very low priority basins are encouraged, but not required, to develop GSPs.	
Basins in Critical	DWR will identify basins subject to critical	

Critical DWR will identify basins subject to critical conditions of overdraft by January 1, 2017. High and medium priority basins in critical overdraft must develop GSPs by January 31, 2020.

> A basin can be managed by an alternative to a GSP if approved by DWR. Alternatives to GSPs are due to DWR for evaluation and assessment by January 1, 2017.

Final Basin Prioritization



State Backstop

If a local agency is not managing its groundwater sustainably, the SGMA directs the State Water Resources Control Board (State Water Board) to protect the resource until a local agency can sustainably manage the basin. The State Water Board may initiate the State Backstop process in the following circumstances:

- A basin has no GSA after June 30, 2017.
- A high or medium priority basin in critical overdraft has no GSP or the GSP is inadequate after January 31, 2020.
- A high or medium priority basin not in critical overdraft has no GSP or the GSP is inadequate after January 31, 2022.
- A high or medium priority basin has no GSP, or the GSP is inadequate, and there are significant depletions of interconnected surface waters after January 31, 2025.

Steps to Sustainability

June 1, 2016 DWR adopts regulations for evaluating groundwater sustainability plans

June 30, 2017 Groundwater sustainability agencies formed

Overdraft:

Alternatives to

Groundwater

Sustainability

Plans:

January 31, 2020

High and medium priority basins in critical overdraft managed by groundwater sustainability plans January 31, 2022 All high and medium priority basins managed by groundwater sustainability plans

January 31, 2040/2042

All high and medium priority basins achieve groundwater sustainability (twenty years after plan is adopted)



BASIN BOUNDARY MODIFICATION FREQUENTLY ASKED QUESTIONS (FAQ)

The Sustainable Groundwater Management Act (SGMA) established a process for local agencies to request that the Department of Water Resources (DWR) revise the boundaries of existing groundwater basins or subbasins, including the establishment of a new subbasin. The Basin Boundary Emergency Regulation was developed through an extensive stakeholder outreach process and was adopted on October 21, 2015. The provisions of the emergency regulation went into effect on November 16, 2015. Additional information about Basin Boundary Modifications and other elements of DWR's implementation of SGMA is available on DWR's Sustainable Groundwater Management website included here: http://water.ca.gov/groundwater/sgm/index.cfm.

General Questions

1. Is it mandatory to participate in Basin Boundary Modifications requests?

No, basin boundary modifications are voluntary. However, the emergency regulations create a process that provides a mechanism to modify basins or subbasins to improve coordination and promote statewide sustainable groundwater management.

2. How can I be notified when Basin Boundary Modifications related actions happen? Subscribe to DWR's email listserv here: <u>http://www.water.ca.gov/groundwater/sgm/subscribe.cfm</u>

3. Does DWR provide maps that may assist with Basin Boundary Modifications?

Yes, DWR has developed a web-based application to inform local agencies and the Public about the existing Bulletin 118 groundwater basins and other relevant geologic and geographic data. <u>BBAT - Basin</u> <u>Boundary Assessment Tool</u>

4. What are the types of basin modifications?

There are two primary types of modifications; scientific and jurisdictional.

Scientific Modifications: A scientific modification to a basin or subbasin boundary involves the addition, deletion, or relocation of a boundary based on the geologic or hydrologic conditions that define a groundwater basin or subbasin.

- 1. External Boundary Modification: A scientific modification involving the modification of external boundaries due to geologic or hydrologic conditions.
- 2. Internal Boundary Modification: A basin or subbasin boundary may be modified, deleted, or added based on the presence or absence of a hydrogeologic barrier.

Jurisdictional Modifications: A jurisdictional modification involves the addition, deletion, or relocation of a basin or subbasin boundary that is not a scientific modification but promotes sustainable groundwater management.

1. Internal Boundary Revision refers to any boundary modification that would adjust the location of a boundary between subbasins, within a basin, or the shared boundary between adjacent basins.

California Department of Water Resources Basin Boundary Modifications Frequently Asked Questions

- County Basin Consolidation means the consolidation of all contiguous basins or subbasins within a county into a single basin or subbasin whose boundaries do not extend beyond those of the county.
- **3.** Basin Consolidation refers to any boundary modification that would reduce the number of subbasins within a basin, or merge two or more adjacent basins, but would change only shared boundaries and would not change the external boundary of any basin or subbasin.
- 4. Basin Subdivision refers to any boundary modification that would increase the number of subbasins within a basin or subbasin.

Definitions

1. How is a local agency defined?

A public agency is defined as any agency that has water supply, water management, or land use responsibilities within a groundwater basin.

2. What is considered the definable bottom of a basin or subbasin?

Where the alluvial material in an aquifer or stacked series of aquifers contacts crystalline bedrock or at the base of freshwater.

3. What are the key components required to have in a qualified map?

A qualified map is a geologic map of a scale no smaller than 1:250,000 that is published by the U.S. Geological Survey or the California Geological Survey, or is a map published as part of a geologic investigation conducted by a state or federal agency, or is a geologic map prepared and signed by a professional geologist that is acceptable to the department.

4. How is a basin defined in Bulletin 118?

The term "basin" shall refer to an area specifically defined as a basin or "groundwater basin" in Bulletin 118, and shall refer generally to an aquifer or stacked series of aquifers with reasonably well-defined boundaries in a lateral direction, based on features that significantly impede groundwater flow, and a definable bottom, as further defined or characterized in Bulletin 118. In general the basins define areas where porous media flow is the dominant groundwater flow type, as opposed to fracture flow conditions.

Required Dates and Timeline

1. When will the next basin boundary modification period occur?

There will be subsequent basin boundary modification periods, which will remain open for a minimum 60 days, but the dates of these periods, have yet to be determined. It is anticipated that basin boundary modification submission periods will be based on demand and coordinated with 5-year updates to Bulletin 118.

2. What if DWR determines a submitted basin boundary modification request is incomplete after the closing period? Do submitting agencies have a grace period to fix the deficiency?

Due to the limited time constraints with this initial submission period no extensions will be granted.

3. When is the first submission period for basin boundary modifications request? January 1, 2016 through March 31, 2016.

Public or DWR Notification

1. How is proof of notification, concerning a completed request, to other local agencies and public water systems submitted to DWR?

The requesting agency should submit a copy of the notification and a list of names and addresses of local agencies and public water system that the notification was submitted. The notice should describe the procedural requirements to provide public input to a request, including the deadlines to submit public input, the form in which public input must be submitted, and the address to which public input must be submitted. All submissions will be made electronically through the <u>Basin Boundary Modification</u> <u>Request System</u>.

2. How soon, following DWR updating submission status to 'Complete', should local agencies and interested parties be notified?

Within five working days after the requesting agency receives notice that a request is complete. The Department will also be sending email notifications on a bi-weekly basis of status changes within basins submitting modification requests.

3. What methods are acceptable when identifying and providing information about a proposed basin boundary modification request to affected agencies and affected systems within the basin or adjacent basins?

DWR does not require specific methods. However, during initial notification the requesting agency is encouraged to post relevant information to their Internet Website, include a brief a description and preliminary map of the proposed boundary modification, and when any public meetings will be held pertaining to the modification request.

4. Are published notices required for public meetings at which the proposed boundary modification will be discussed or considered? If so what should the notices include?

Published notices for public meetings are not required per the basin boundary regulations. However, requesting agencies shall include information demonstrating consultation with affected agencies and affected systems and published notices for public meetings held in compliance with other State law requiring notification of meetings.

5. When should I notify DWR once my agency decides to explore boundary modifications? Within 15 days of decision to explore a basin boundary modification. Ideally the exploration of basin boundary modifications would occur prior to any agendized meeting requiring notice of hearing by a governing board or body.

Initial Notification and Basin Boundary Modification Request Submittal Tool

1. Will DWR provide an instructional meeting to cover the basin boundary modification request submittal system?

Yes, DWR will conduct a Basin Boundary Modification Instructional Webinar on December 17, 2015. The webinar was recorded and is posted on the <u>Basin Boundary Website</u>.

2. How accurate must the approximate delineation using the interactive map be during initial notification?

The lines should be drawn approximately but sufficient enough as to inform the general idea of what the modification includes.

3. How will I know if my Modification Request or Initial Notification was accepted by the Basin Boundary Modification Request System?

Email notifications are sent immediately to the point of contact (request manager) confirming, establishing a user account, submission of initial notification, and status changes to the modification request. These notifications are sent to the request manager and appropriate DWR staff.

4. Who can I contact for assistance with the Basin Boundary Modification Request System? Please email the administrator at <u>Timothy.Godwin@water.ca.gov</u> for assistance.

Basin Boundary Modification Request Submittal

1. Who is eligible to submit a basin boundary modification request?

Only local agencies are eligible to submit a basin boundary modification request for the potential modification of a Bulletin 118 defined groundwater basin or subbasin.

2. What if a request meets multiple types of modification? Must I submit the information required for both in one request or submit two requests for the same area?

Combine all potential basin boundary modifications and submit as a singular request. DWR may consider and approve all or any of the proposals submitted. If multiple requests are being made for the same basin but discrete regions; the request manager can use the 'save as' function in the modification request system to stream line submissions of this nature.

3. What is the procedure if a request has already been submitted in the basin of interest? Must the requests be combined or may separate requests be submitted?

Separate requests may be submitted. However, DWR encourages requesting agencies, to the greatest extent practicable, combine all basin boundary modification requests that affect the same basin or subbasin and to coordinate with other affected agencies and affected systems to present the information as a single request. DWR will require consolidation of requests in the case of coincident or conflicting requests.

California Department of Water Resources Basin Boundary Modifications Frequently Asked Questions

Required Supporting Information

1. Do DAC/DUC have to a sign a resolution of support of a basin boundary modification request?

A DAC/DUC would be covered by the city or county in which they are located; so a letter of support would not be required directly from a DAC/DUC but rather the agency representing them.

2. Are letters of support for a basin boundary modification required by all affected agencies?

No, letters of support are not required by all affected agencies. However, if you are submitting a request for a basin subdivision it is required to submit evidence of three-fourths support from the local agencies and public water systems within the affected basin.

3. What information is required to be included in the resolution adopted by the requesting agency?

No specific requirements are defined in the regulations; however, the resolution should comply with local standards and requirements of the local agency forming the request.

4. If the request involves basin subdivision and the requesting agency does not receive

three-fourths support is the basin boundary modification request automatically denied? Yes, three-fourths support is a requirement to subdivide an existing basin by the local agencies or public water systems within the affected basin.

5. What coordinate system should GIS files use?

The Basin Boundary Modification Request System provides a downloadable copy of the basins identified in the request. The request requires use of these files as they have standardized the file parameters to streamline incorporation. The line work provided also serves to inform the requesting agency of the administrative adjustments made by the department.

6. Does a technical study need to be completed by a specific agency or may private studies be submitted?

A technical study must be a geologic or hydrologic report prepared and published by a state or federal agency, or a study published in a peer-reviewed scientific journal, or a report prepared and signed by a professional geologist or by a professional engineer. The study does not need to be conducted specifically for the request.

7. How many years of historical groundwater level data are required to show historical groundwater level trends?

The requesting agency should provide the data necessary to demonstrate that the principle aquifers in the basin have not experienced long-term declines in groundwater levels.

8. Is CEQA applicable to requesting agencies? If so, what are the requirements of the CEQA for requesting agencies?

California Department of Water Resources Basin Boundary Modifications Frequently Asked Questions

The requesting agency shall satisfy requirements of CEQA, including, if necessary, information to enable DWR to satisfy the requirements of a responsible agency. The requesting agency must determine if the modification request is defined as a project and subject to CEQA.

9. What kind of information will the requesting agency be required to provide as part of the basin boundary modification request?

The requesting agency will have to provide all supporting information required for the type of basin boundary modification that is being requested. This supporting information is outline in Article 5 of the basin boundary regulations. The Basin Boundary Modification Request System also provides guides to identify the required information based upon the type selected. A checklist is provided on the <u>Basin</u> <u>Boundary website</u> to also guide local agencies on the required information.

Evaluation Criteria and Cause for Denial

1. What would be the basis for denial of a basin boundary modification?

Basis for denial is outlined in "Article 6. Methodology and Criteria for Evaluation, Section 345.2" in the basin boundary regulations. However, each of these items will be considered as they affect the whole of the request. Substantial compliance with the regulation will be determined based upon the scope of each modification request.

2. What kind of criteria will be used in the evaluation of the basin boundary modification requests?

Criteria that will be used in the evaluation of a basin boundary modification request are listed in "Article 6. Methodology and Criteria for Evaluation, Section 345.4" in the basin boundary regulations.

Approved Basin Boundary Modification Requests

1. Can a basin boundary modification request be withdrawn?

A requesting agency may withdraw a boundary modification request at any time before the request is finalized by providing written notice to DWR.

2. May the department reverse an approved basin boundary modification at a later time?

Yes, if after revising the basin boundaries of a basin or subbasin, or establishing a new subbasin, DWR determines, based on substantial evidence, that assumptions regarding the sustainable management of the new basin or subbasin were incorrect, and that as a result the boundary modification should not have been adopted, DWR may, after consultation with the requesting agency, either restore the boundaries that existed before the boundary modification or revise the boundaries.

3. If a basin boundary modification is accepted by DWR, when will it be published and take effect?

A basin boundary modification once accepted by DWR will officially take effect when the Bulletin -118 - Interim Update is published.

Public Input

1. Can public input for a basin boundary modification request still be submitted past the 90 day window?

Public input must be submitted to DWR within 30 days after DWR posts a notice that the request in complete. This period may extend past the March 31, 2016 90-day submittal period deadline.

2. Will the submitting agency be able to rebut any opposition to the proposed boundary modification?

Yes, any evidence the requesting agency believes will rebut any opposition to the proposed boundary modification or otherwise assist the Department in its evaluation should be included in the Request for Boundary Modification. The Basin Boundary Modification Request System will provide space for comments and rebuttals.

DWR Adjustments

1. Can DWR make adjustments to basin boundaries without being requested to do so?

DWR does have the authority in Water Code §12924 to investigate the state's basins and identify/modify basin boundaries. However, consistent with the intent of SGMA, local agencies can request modification to the basin definitions based upon local knowledge of the resource.

2. What did DWR's Administrative Adjustments to Bulletin 118 Basin Boundaries entail?

DWR realigned the digital (GIS) locations of High and Medium Priority groundwater basins and subbasins to more accurately correspond with the original written descriptions as documented in DWR Bulletin 118-2003 and updated in 2014. The alignment of basin boundaries referencing waterways and county lines were reviewed and compared to the referenced waterways as depicted by the National Hydrography Dataset and referenced county boundaries as depicted by CalFIRE. Where necessary, the relevant portions of the basin boundaries were adjusted to match these standard, statewide datasets. DWR also assessed basin boundaries with descriptions that reference geologic features and compared them to California Geologic Survey (CGS) maps. Based on these assessments DWR recommends the adjustment of a number of basin boundaries having a significant geologic issue and an unambiguous written description. These adjustments do not change the written description contained within Bulletin 118.

Issue Brief

SGMA and Groundwater Basin Boundaries in Monterey County

Introduction

Groundwater basin boundaries in California are defined by the Department of Water Resources in the Bulletin 118 publications, the most recent update of which occurred in 2003. The Sustainable Groundwater Management Act (SGMA) requires that DWR adopt regulations by January 1, 2016 specifying the information required to comply with Water Code 10722.2, which describes how local agencies may request to modify the existing boundaries of groundwater basins and subbasins.¹

On July 17, 2015 the California Department of Water Resources (DWR) released a draft of the basin boundary regulations and a final version of the regulation was released on November 16, 2015. The basin boundary regulations provide "a mechanism to modify basin and subbasin boundaries or create new subbasins based on new scientific information and local groundwater management knowledge to improve coordination and promote sustainable groundwater management statewide."²

DWR began accepting basin boundary modification requests on January 1, 2016 and submissions are accepted until March 31, 2016. This issue brief identifies areas of concern within Monterey County with regard to groundwater basin or subbasin boundaries and explores instances where a modification to basin boundaries may resolve identified issues.

Background

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act was signed on September 16, 2014. Three bills comprise the SGMA: AB 1739 (Dickinson), SB 1319 (Pavley), and SB 1168 (Pavley). The SGMA was amended in September 2015 with SB 13 (Pavley).

The SGMA creates a framework for sustainable, local groundwater management and allows local agencies to customize groundwater sustainability plans to regional economic and environmental needs. The SGMA also requires local agencies to establish governing bodies, referred to as Groundwater Sustainability Agencies (GSA), prior to developing a Groundwater Sustainability Plan (GSP) for groundwater basins or subbasins that the Department of Water Resources (DWR) has designated as high or medium priority.³

Basin Prioritization

The SGMA revised the Water Code to direct DWR to develop an initial priority for each groundwater basin by January 31, 2015. DWR concluded that the basin prioritization utilized for the California



Statewide Groundwater Elevation Monitoring (CASGEM) Program applies to the SGMA as well.⁴ The SGMA affects groundwater basins with "high" and "medium" priority rankings (Figure 1).

Basin Boundary Revisions

The SGMA established a process for local agencies to request revisions to the boundaries of a groundwater basin. Currently, groundwater basins and subbasins in California are defined in DWR's Bulletin 118 – Update 2003 and prioritization of basins is based on boundaries as delineated in Bulletin 118 – Update 2003. On November 16, 2015, DWR provided regulations that specify the information required for a local agency to request modification of an existing groundwater basin or subbasin boundary.²

The basin boundary regulation provides categories for basin boundary modifications (scientific and jurisdictional) and describes the components needed to justify a basin boundary modification, including: general information; demonstration of notification, consultation, and local support; and, technical information.

DWR has indicated that there will be subsequent opportunities for basin boundary modifications, though no specific dates have been provided. DWR anticipates coordination of opportunities for basin boundary modifications with 5-year updates to Bulletin 118.⁵

Definitions

The following definitions from the SGMA and Water Code Section 10721 apply to this discussion.

- Basin A groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).
- Local agency A local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

Monterey County Groundwater Basins

Monterey County is located in the Central Coast Hydrologic Region. DWR's Bulletin 118 – Update 2003 identifies thirteen groundwater basins or subbasins located fully or partially within Monterey County (Figure 2).

Exempt Basins and Subbasins

A portion of one subbasin of the Salinas Valley Groundwater Basin in Monterey County, the Seaside Area, is an adjudicated area, which exempts it from many of the SGMA requirements (Section 10720.8; see Figure 3). On February 21, 2016 the Monterey Peninsula Water Management District (MPWMD) submitted an *Initial Notification of Potential Basin Boundary Modification Request* to DWR, seeking to recognize the adjudicated Seaside Groundwater Basin as a distinct groundwater basin (Attachment A). Further discussion of this proposed modification and its implications for surrounding groundwater basins/subbasins is included in subsequent sections of this issue brief.



Three groundwater basins in Monterey County have been designated by DWR as "low" or "very low" priority, which currently exempts them from the SGMA: Cholame Valley (3-5); Lockwood Valley (3-6); and Peach Tree Valley (3-32).

Basins Where the SGMA Applies

Nine groundwater basins or subbasins in Monterey County are subject to the SGMA because they have been designated as "high" or "medium" priority basins. Of these nine basins or subbasins, four fall at least partially within the jurisdiction of an agency that is statutorily designated by the SGMA (Section 10723), meaning that the named agency has been established as the GSA for these basins or subbasins by legislation unless said agency opts out of being the GSA (Table 1).

Basin/Subbasin Name	Basin/Subbasin Number	Statutorily Designated Agency
Carmel Valley	3-7	Monterey Peninsula Water Management District
Corral de Tierra Area	3-4.10	Monterey Peninsula Water Management District
Seaside Area	3-4.08	Seaside Watermaster (Adjudicated)
Pajaro Valley	3-2	Pajaro Valley Water Management Agency

The Monterey County Water Resources Agency (MCWRA) evaluated the boundaries of eight (8) non-exempt groundwater basins or subbasins in Monterey County that have a "high" or "medium" prioritization and are not entirely within the jurisdiction of a statutorily designated agency, in order to identify any potential issues with the basin boundaries (Table 2). MCWRA also evaluated the Seaside Area subbasin because there are areas of the basin not covered by the adjudicated boundary.

Basin/Subbasin Name	Basin/Subbasin Number	Basin Prioritization
Pajaro Valley	3-2	High
Subbasins of the Salinas Valley Gr	oundwater Basin:	
Pressure 180/400 Foot Aquifer	3-4.01	High and Critical Overdraft
East Side Aquifer	3-4.02	High
Forebay Aquifer	3-4.04	Medium
Upper Valley Aquifer	3-4.05	Medium
Paso Robles Aquifer	3-4.06	High and Critical Overdraft
Seaside Area	3-4.08	Medium
Langley Area	3-4.09	Medium
Corral de Tierra Area	3-4.10	Medium

MCWRA identified three (3) areas of concern related to boundary issues: Seaside Area/Corral de Tierra Area; Pajaro Valley; and Paso Robles Area. Potential issues include overlap with adjacent management agencies, gaps in management areas, and other concerns that may be able to be remedied through the basin boundary modification process. All of these potential issues will be discussed in more detail in the following sections.



Discussion

Identifying Areas of Concern with Basin Boundaries

MCWRA has identified three (3) areas of concern within the high and medium priority groundwater basins in Monterey County that are either not currently governed by a GSA, or are only partially governed by a GSA.

• Seaside Area / Corral de Tierra Area subbasins

As mentioned previously, a portion of the Seaside Area includes the adjudicated Seaside Groundwater Basin (Figure 3). The boundary of the adjudicated area was defined by the adjudication decision in 2006 and MPWMD is seeking to recognize the adjudicated area as a distinct groundwater basin (Attachment A). However, there remain portions of the current Seaside Area that lie outside the adjudicated boundary.

In addition, the Corral de Tierra Area, a subbasin of the Salinas Valley Groundwater Basin, is bordered to the northwest by the Seaside Area subbasin and to the northeast by the Pressure 180/400 Foot Aquifer subbasin (Figure 3). The current boundary of the Corral de Tierra subbasin intersects the adjudicated Seaside Groundwater Basin boundary.

Part of the Corral de Tierra Area also intersects the jurisdictional boundary of the MPWMD which is a statutorily designated agency per the SGMA (Section 10723).

Issue summary for the Seaside Area / Corral de Tierra Area subbasins:

- 1. A portion of the Seaside Area is adjudicated and may become a distinct groundwater basin;
- 2. Some of the Seaside Area lies outside the adjudicated boundary; and,
- 3. Subbasins contain multiple jurisdictional areas, one of which (MPWMD) is statutorily designated by the SGMA.
- Pajaro Valley basin

The Pressure 180/400 Foot Aquifer and Langley Area subbasins are bordered to the north by the Pajaro Valley basin (Figure 4). The current boundary of the Pajaro Valley basin places the bulk of the groundwater basin under governance of the Pajaro Valley Water Management Agency (PVWMA), which is the GSA for areas of the groundwater basin that fall within their jurisdictional boundary.⁶

However, some areas of the Pajaro Valley basin within Monterey County are not included in PVWMA's jurisdictional boundary and will likely be governed by a different GSA. One area of the Pajaro Valley basin which is outside the PVWMA area falls within the boundaries of the Aromas Water District. A different portion of the Pajaro Valley basin that is not governed by PVWMA extends into adjacent San Benito County.



Issue summary for the Pajaro Valley basin:

- 1. Gaps in governance within Monterey County;
- 2. Gap in governance within adjacent San Benito County; and,
- 3. Possible coordination between multiple GSAs.
- Paso Robles Area subbasin

The Paso Robles Area subbasin is bordered to the north by the Upper Valley Aquifer subbasin (Figure 5). A majority of the Paso Robles Area is located in San Luis Obispo County, though some of it extends into Monterey County, and this cross-county basin boundary is an area of concern. The Paso Robles Area is a high priority basin that DWR also identified as being in critical overdraft, so a GSP must be in place to manage the subbasin by January 31, 2020.⁷

Issue summary for the Paso Robles Area subbasin:

1. Current subbasin boundary extends across multiple counties and could be subject to management by multiple GSAs.

Requesting Basin Boundary Revisions

Basin boundary modifications must be proposed by a single local agency (the Requesting Agency). Any local agency, as defined by the SGMA (see page 2), is eligible to request a basin boundary modification.

Basin boundary modification requests are required to address the following:

- How to assess the likelihood that the proposed basin can be sustainably managed.
- How to assess whether the proposed basin would limit the sustainable management of adjacent basins.
- How to assess whether there is a history of sustainable management of groundwater levels in the proposed basin.

There are two primary categories of basin boundary modifications: scientific and jurisdictional. Each type of modification request has its own set of requirements. Broadly speaking, scientific modifications must be based on the hydrogeologic definition of the groundwater basin and require supporting geologic/hydrologic evidence indicating an increased likelihood of sustainable management of the groundwater basin if the modification is adopted.²

Jurisdictional modifications are those cases where modification of basin boundaries will increase the likelihood of sustainable groundwater management and promote implementation of the SGMA



without limiting the ability to sustainably manage groundwater in the basin(s). DWR has defined three subcategories of jurisdictional modifications: internal, consolidation, and subdivision.

Basin Boundary Modification Request Process

The first step in the basin boundary modification process is for the Requesting Agency to submit an Initial Notification to DWR (Figure 6). Initial Notifications are made available on DWR's website and include a brief description and preliminary map of the proposed boundary modification.

Following the Initial Notification, a Requesting Agency has until March 31, 2016 to submit the formal boundary modification request and provide notice of the request to all interested local agencies and public water systems in the affected basins.

In addition to the technical information requirements for each type of modification request, the Requesting Agency will be required to demonstrate that all interested local agencies and public water systems were consulted. Requests for jurisdictional modifications that involve subdivision of a current groundwater basin must demonstrate, by the March 31 deadline, that 75% of affected local agencies and/or public water systems support the modification request.

Proposed requests for basin boundary modification will be made public by DWR. Proposed basin boundary modifications will also be presented to the California Water Commission (CWC) in the summer of 2016, during which the public will be provided an opportunity to provide input on the modifications. Stakeholders may protest a proposed modification after a request has been submitted to DWR.² Protests must be supported by the same scientific and technical information as is required of any basin modification request.

Evaluating Solutions through Revisions to Basin Boundaries

The following discussion explores some possible solutions to issues in the areas of concern discussed previously. Specifically, issues identified in two of the three areas of concern may be able to be resolved through basin boundary modifications.

• Seaside Area / Corral de Tierra Area

As discussed previously, the MPWMD has proposed a basin boundary modification that will address the boundary issues in these two subbasins.

• Paso Robles Area

The Paso Robles Area subbasin extends across the boundary between Monterey and San Luis Obispo counties. A possible solution to resolve potential management issues in this basin would be to propose a jurisdictional boundary change, specifically, a subdivision of the basin coincident with the county boundary. This proposal would require technical support as well as buy-in from affected local agencies, but it can reasonably be explored as an approach to resolving potential issues in the subbasin.



Other appropriate and reasonable solutions to addressing potential issues in the areas of concern may also exist.

The remaining area of concern, the Pajaro Basin, may be best addressed through other methods, or in a subsequent round of basin boundary modifications, when a GSA is formed for the Salinas Valley.

Next Steps

The areas of concern identified in this issue brief should be reviewed and options for addressing the potential issues should be considered. If it is determined that a basin boundary modification is the preferred approach for addressing an issue, staff should begin to gather necessary technical documentation to support the request and initiate outreach with all potentially affected parties so that a modification request can be filed on or before the March 31, 2016 deadline.



References

¹ Department of Water Resources, Sustainable Groundwater Management, Basin Boundary Regulations. Accessed on September 3, 2015 at http://www.water.ca.gov/groundwater/sgm/basin_boundaries.cfm

² Department of Water Resources. Draft Basin Boundary Emergency Regulations – Factsheet. Available at:

http://water.ca.gov/groundwater/sgm/pdfs/Draft_Basin_Boundary_Emergency_Regulations_Tech ncial_FactSheet.pdf

³ Department of Water Resources, Sustainable Groundwater Management Act. Accessed on September 3, 2015 at http://www.water.ca.gov/cagroundwater/legislation.cfm

⁴ Department of Water Resources, Sustainable Groundwater Management, Initial Groundwater Basin Prioritization under the SGM Act. Accessed on September 4, 2015 at: http://www.water.ca.gov/groundwater/sgm/SGM_BasinPriority.cfm

⁵ Department of Water Resources, Basin Boundary Modification Frequently Asked Questions (FAQ). Accessed on March 2, 2016 at: http://www.water.ca.gov/groundwater/sgm/pdfs/FAQ_Basin_Boundaries.pdf

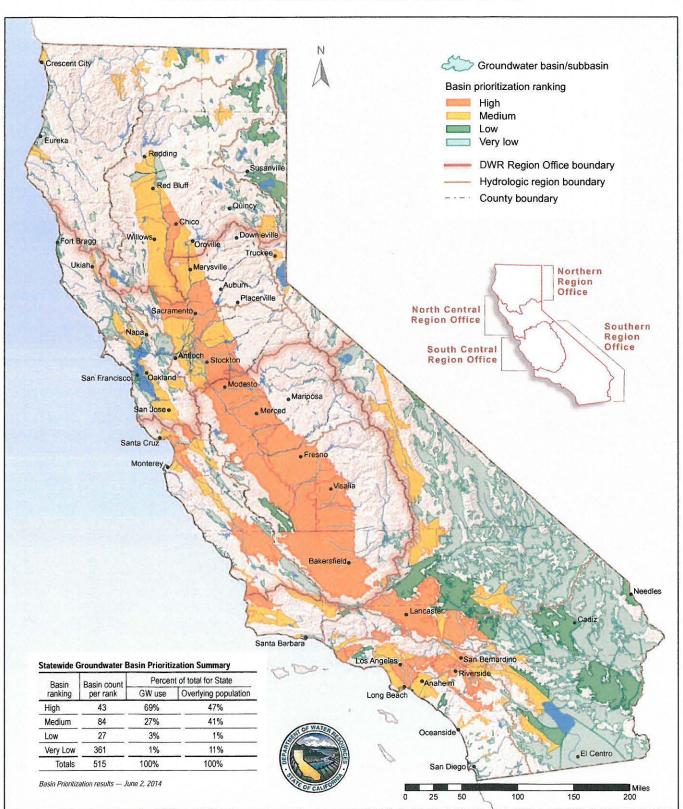
⁶ Bannister, M. PVWMA to Become the Groundwater Sustainability Agency for the Pajaro Valley Board Votes to Take on Responsibility. August 30, 2015. Accessed on September 16, 2015 at: http://www.pvwma.dst.ca.us/media-room/news-

releases/2015/Release%201513%20PVWMA%20to%20become%20Groundwater%20Sustainabil ity%20Agency.pdf

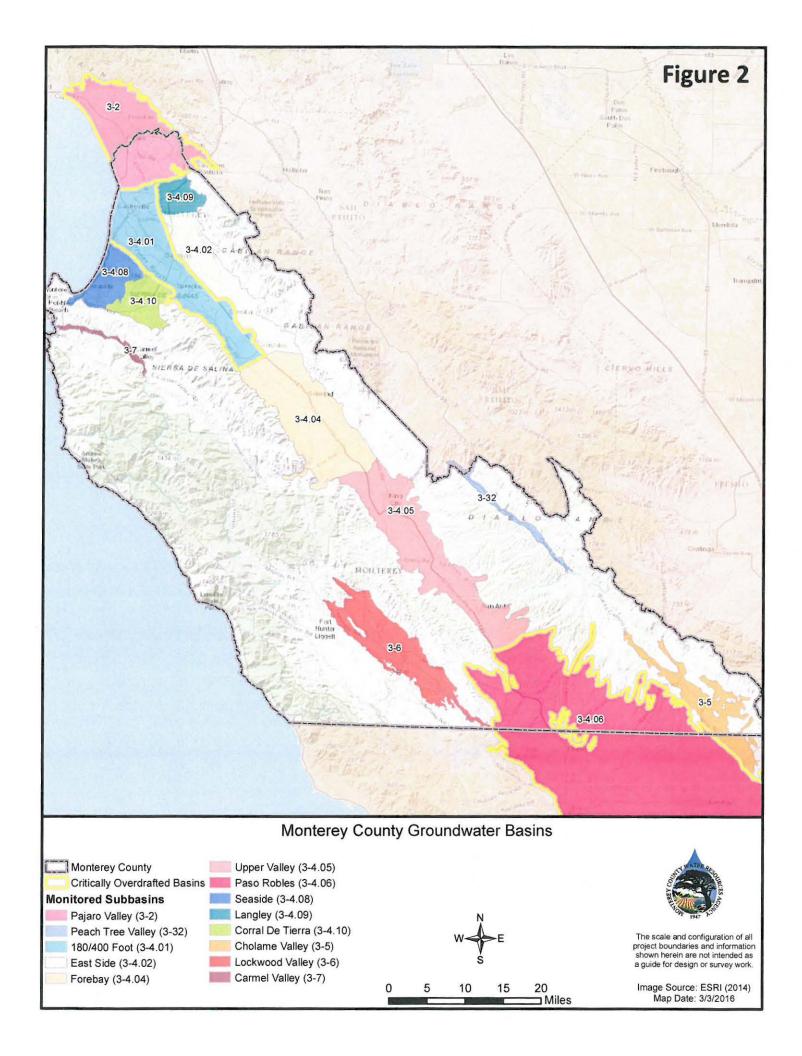
⁷ Department of Water Resources, Sustainable Groundwater Management, Critically Overdrafted Basins. Accessed on September 16, 2015 at: http://www.water.ca.gov/groundwater/sgm/cod.cfm

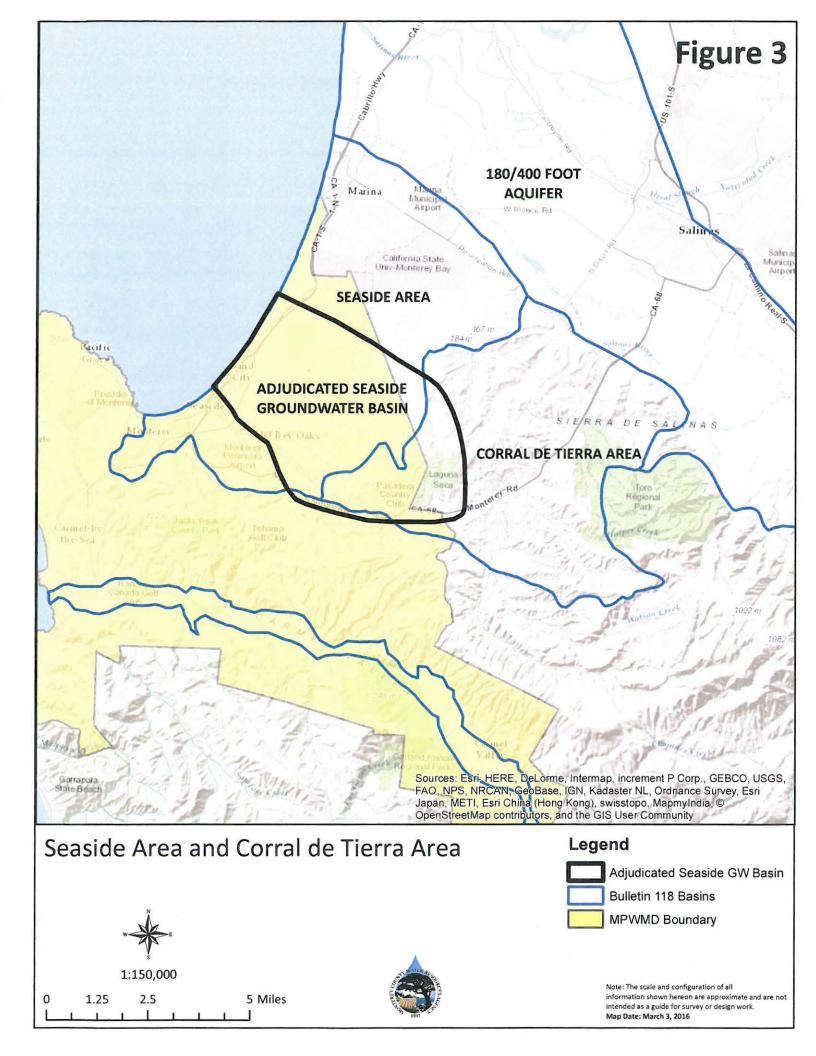


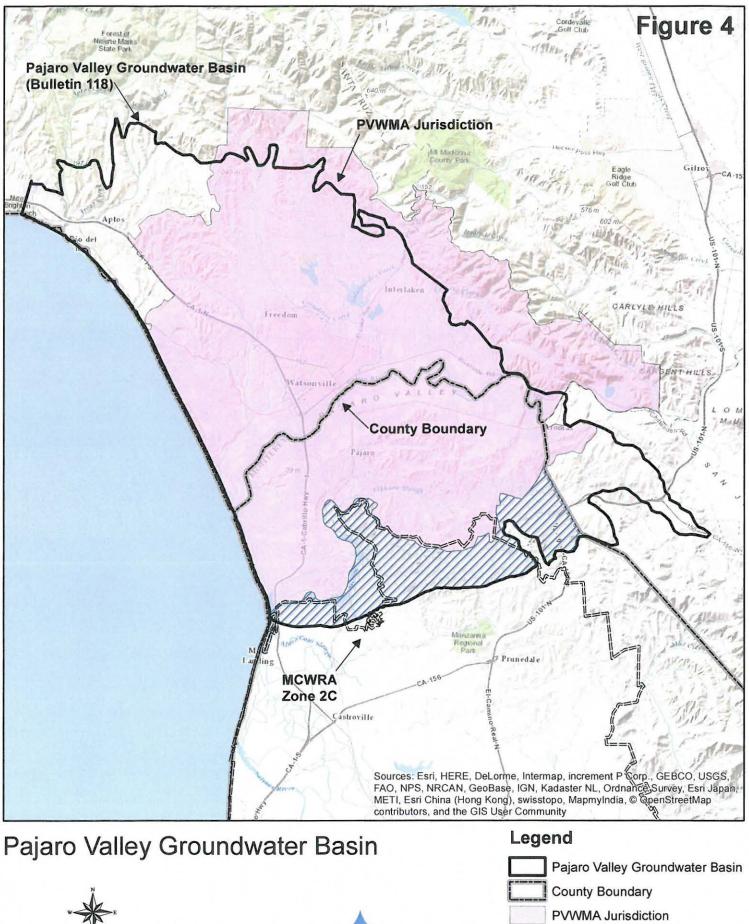
Figure 1



CASGEM Groundwater Basin Prioritization







0 1.25 2.5 5 Miles

Possible Pajaro Valley PUMA

MCWRA Zone 2C

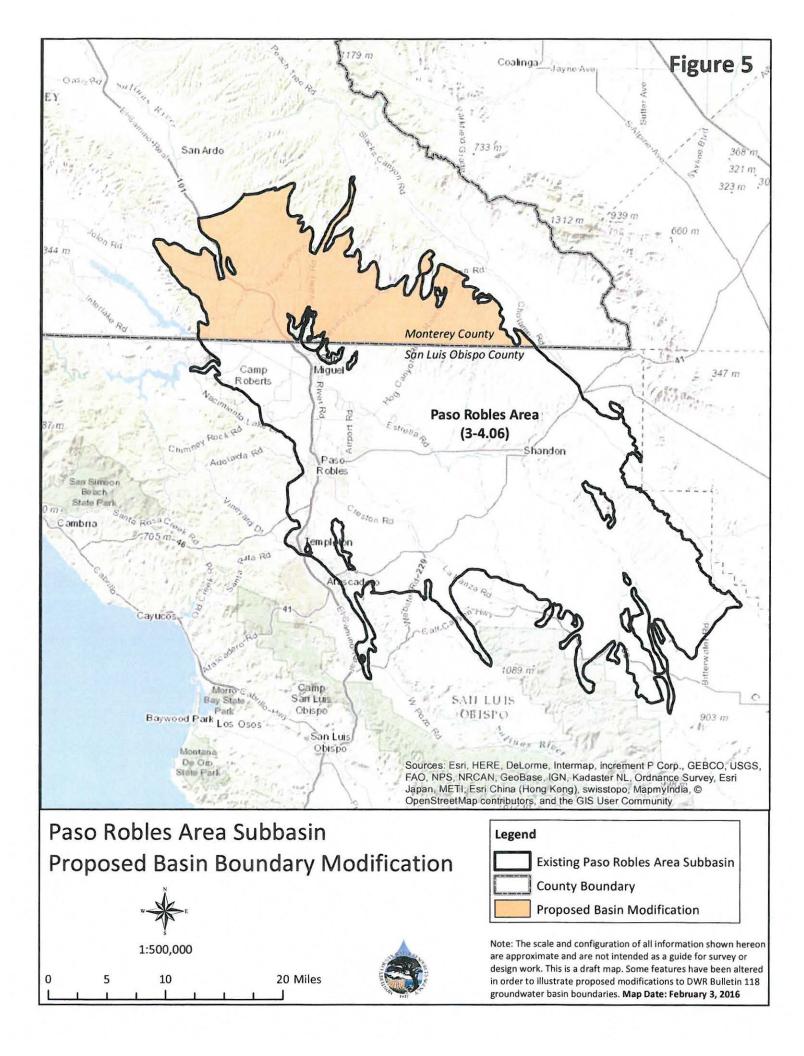
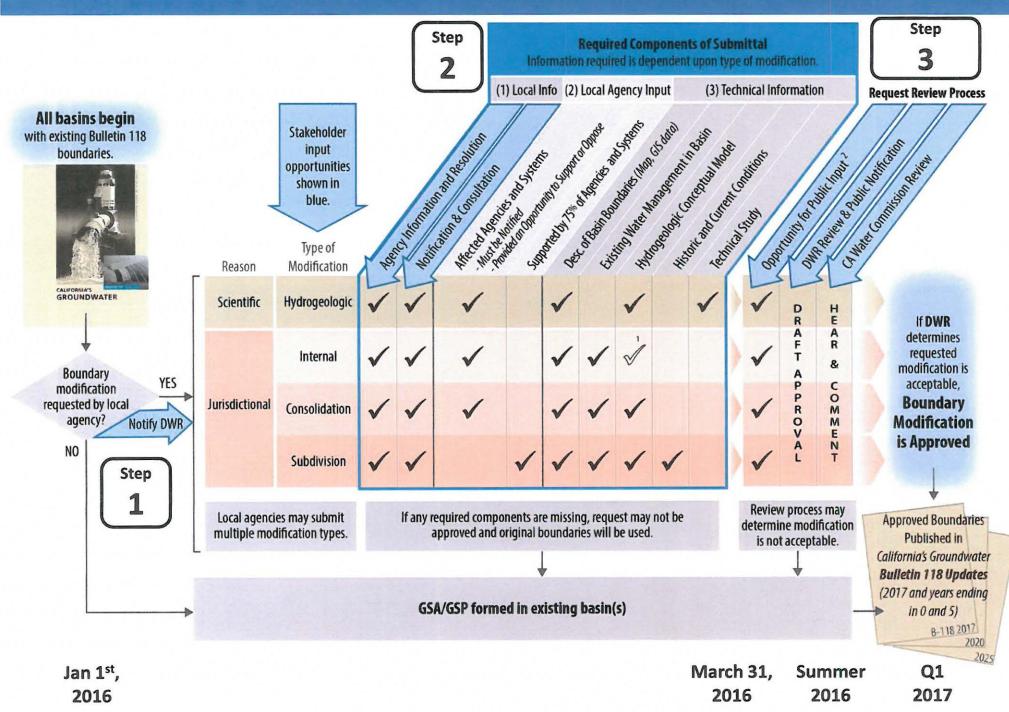


Figure 6



ATTACHMENT A

ITEM: PUBLIC HEARING

16. ADOPT RESOLUTION 2016-01 TO INITIATE THE PROPOSED BASIN BOUNDARY MODIFICATION REQUEST FOR RECOGNITION OF THE ADJUDICATED SEASIDE GROUNDWATER BASIN WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

Meeting Date:	January 27, 2016	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Joe Oliver	Cost Estimate:	N/A

General Counsel Review: N/A

Committee Recommendation: Updates provided to Water Supply Planning Committee on 12/11/2015. On 1/20/2016 the Committee recommended approval by the Board.

CEQA Compliance: MPWMD has determined that a Statutory Exemption applies as defined in CEQA Guidelines Section 15268 (Ministerial Projects), based on previous environmental determinations by the Courts.

SUMMARY: The Sustainable Groundwater Management Act (SGMA) was signed into law on September 16, 2014 and provides for local or regional management of groundwater basins with oversight from the California Department of Water Resources (DWR). More recently, on November 16, 2015, the DWR implemented new regulations regarding basin boundary modification requests in order to correct or update basin depictions in DWR's Bulletin 118, "California's Groundwater", last updated in 2003. The Bulletin 118 description and map in the area of the Seaside Groundwater Basin is outdated and does not recognize the adjudicated Seaside Basin boundary per the adjudication decision in 2006. The Seaside Basin will be exempt from certain Groundwater Sustainability Plan (GSP) requirements under SGMA, and it is therefore important to establish this correction in DWR's planned Bulletin 118 update.

CEQA: MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, *et seq.* Specifically, the MPWMD has determined that a Statutory Exemption applies as defined in CEQA Guidelines Section 15268 (Ministerial Projects), based on previous environmental determinations by the Courts. The Monterey County Superior Court concluded that its Adjudication Decision included environmental determinations related to the Seaside Basin and adjudication of the rights therein. The MPWMD action is also consistent with the May 11, 2009 Court Order as confirmed by the Sixth District Court of Appeal, which limits CEQA review of water-related issues to areas other than the Seaside Basin.

RECOMMENDATION: Staff recommends that the Board adopt Resolution 2016-01, and direct the General Manager to proceed with filing an Initial Notification to DWR regarding the basin boundary modification request to recognize the adjudicated Seaside Basin in the DWR's

Bulletin 118. Staff should be directed to file a Notice of Exemption with the County Clerk. On January 20, 2016, the Water Supply Planning Committee considered this item and recommended Board approval.

BACKGROUND: Under Section 10722.2 of the Water Code, MPWMD is an eligible local agency that may request the DWR revise the boundaries of a basin. Accordingly, MPWMD has agreed to make this filing on behalf of the interested stakeholders in the adjudicated Seaside Basin. The DWR basin boundary modification regulations (§344.2) also require that a resolution adopted by the requesting agency formally initiating the boundary modification request be submitted to DWR with the request. Accordingly, Resolution 2016-01 has been prepared for this purpose (Exhibit 16-A) and will be submitted to DWR with the formal modification request, which must be filed no later than March 31, 2016.

EXHIBIT

16-A Draft Resolution 2016-01

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EXHIBIT 16-A

RESOLUTION NO. 2016-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT TO FORMALLY INITIATE THE PROPOSED BASIN BOUNDARY MODIFICATION REQUEST TO RECOGNIZE THE ADJUDICATED SEASIDE GROUNDWATER BASIN WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

WHEREAS, on September 16, 2014 the Sustainable Groundwater Management Act (SGMA) was signed into law and adopted into the California Water Code, commencing with Section 10720; and

WHEREAS, on November 16, 2015, the Department of Water Resources (DWR) implemented new basin boundary modification regulations (CA Code of Regulations, Title 23, Division 2, Chapter 1.5, Subchapter 1); and

WHEREAS, DWR Bulletin 118 was lasted updated in 2003 and the map (Attachment 1) in the area of the Seaside Groundwater Basin is outdated, and does not recognize the adjudicated Seaside Basin boundary per the Adjudication Decision ("Decision") in 2006 (Monterey County Superior Court Case No. M66343); and

WHEREAS, per the DWR basin boundary modification regulations (§ 343.2), the Monterey Peninsula Water Management District (MPWMD or District) is an eligible local agency whose jurisdictional area lies within or borders the existing or proposed basin or subbasin for which boundary modification is sought; and

WHEREAS, the proposed boundary modification is to recognize the adjudicated Seaside Groundwater Basin as a distinct basin boundary, per the Decision; and

WHEREAS, the adjudicated Seaside Groundwater Basin boundary as defined in the Decision and shown on the map in Attachment 2 more accurately reflects the understanding of hydrogeologic conditions in the basin than that depicted in DWR Bulletin 118 and the Decision sets forth the physical solution needed for the basin's sustainable groundwater management; and

WHEREAS, under Water Code Section 10723(c)(2), MPWMD will elect to opt out of being the exclusive groundwater management agency for that area north of the adjudicated Seaside Groundwater Basin that is within the MPWMD statutory boundaries; and

WHEREAS, MPWMD has determined that a Statutory Exemption applies to the proposed basin boundary modification request as defined in CEQA Guidelines Section 15268 (Ministerial Projects), based on previous environmental determinations by the Courts, which limits CEQA review of water-related issues to areas other than the adjudicated Seaside Groundwater Basin; and

WHEREAS, notices of this public hearing on adoption of a resolution to initiate the basin boundary modification request were published on January 14, 2016 and January 21, 2016; and

WHEREAS, on January 27, 2016 this District held a public hearing regarding the adoption of a resolution to initiate the basin boundary modification request;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Monterey Peninsula Water Management District:

- Hereby establishes the rationale for the District to initiate the boundary modification request to recognize the adjudicated Seaside Groundwater Basin in DWR's Bulletin 118; and
- 2. Hereby authorizes the General Manager or his designee to initiate the process to request a basin boundary modification to recognize the adjudicated Seaside Groundwater Basin boundary with DWR and provide a copy of this resolution to DWR as part of the formal request submittal to comply with the requirements of the DWR's basin boundary modification regulations (§ 344.2); and
- 3. All the recitals in this Resolution are true and correct and the District so finds, determines, and represents.

On motion of Director ______, and second by Director ______, the foregoing resolution is duly adopted this _____ day of January, 2016 by the following votes:

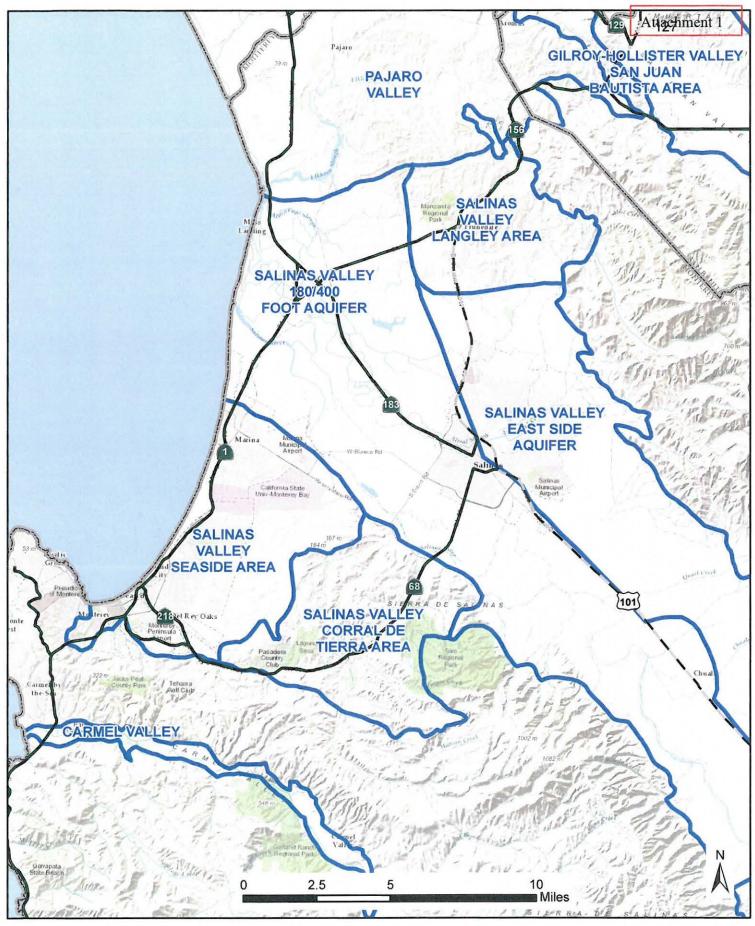
AYES: NAYS: ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the ____ day of January, 2016.

Witness my hand and seal of the Board of Directors this __ day of January, 2016.

David J. Stoldt Secretary to the Board

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Seaside Area Sub Basin and Adjacent Salinas Valley Groundwater Basins



Source: DWR Bullietin 118, 2004

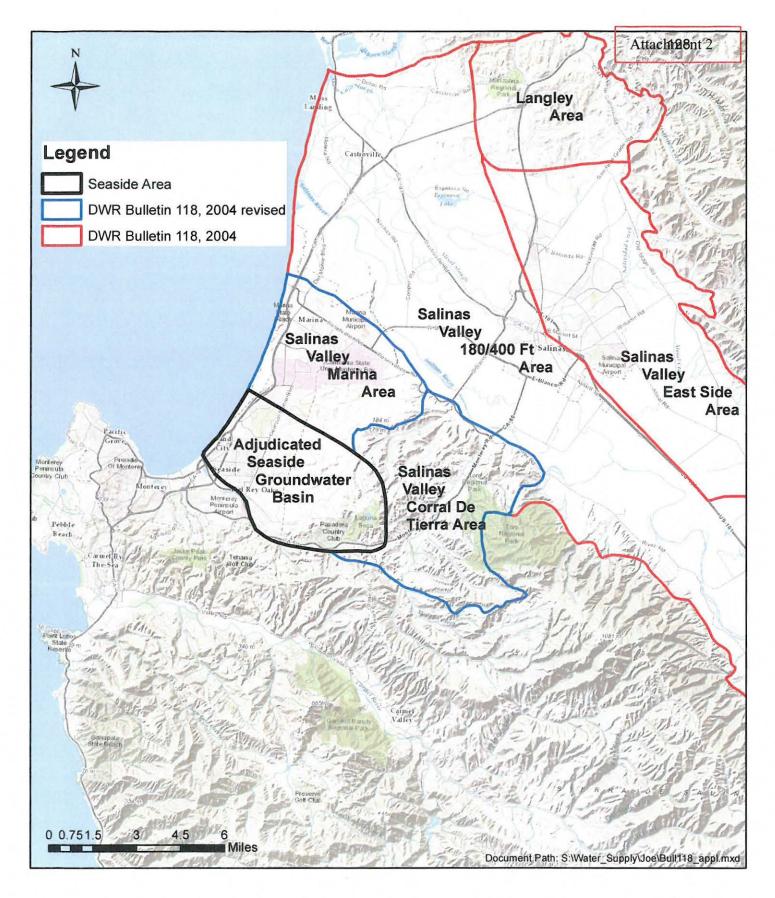


Plate 1: Regional Map showing location of Seaside Groundwater Basin Boundary

