

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 The Bulletin 118 description and map in the area of the Seaside Groundwater Basin is outdated and does not recognize the adjudicated Seaside Basin boundary per the adjudication decision in 2006.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 last 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:

1. 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:

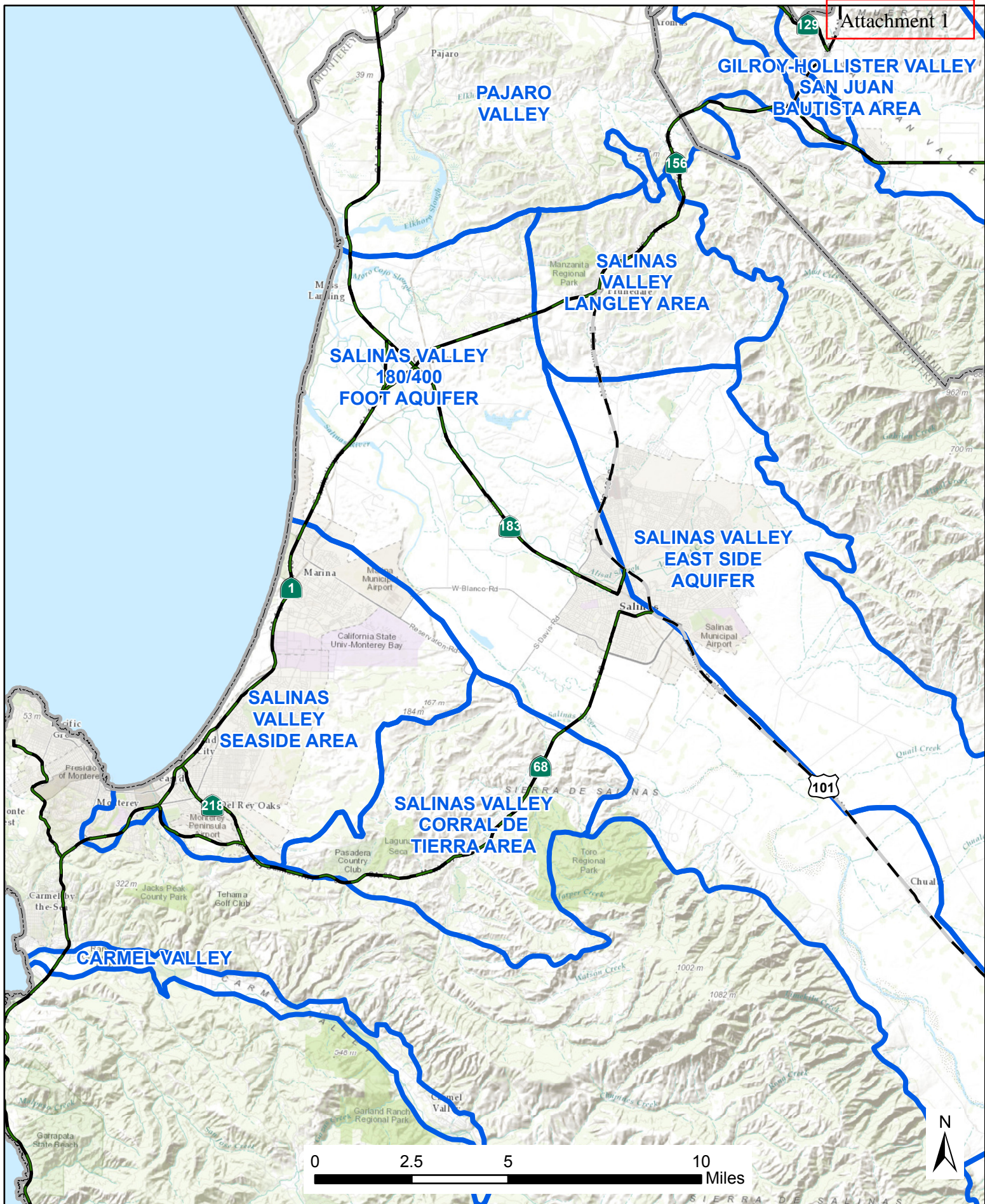
NAYS:

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






Seaside Area Sub Basin and Adjacent Salinas Valley Groundwater Basins

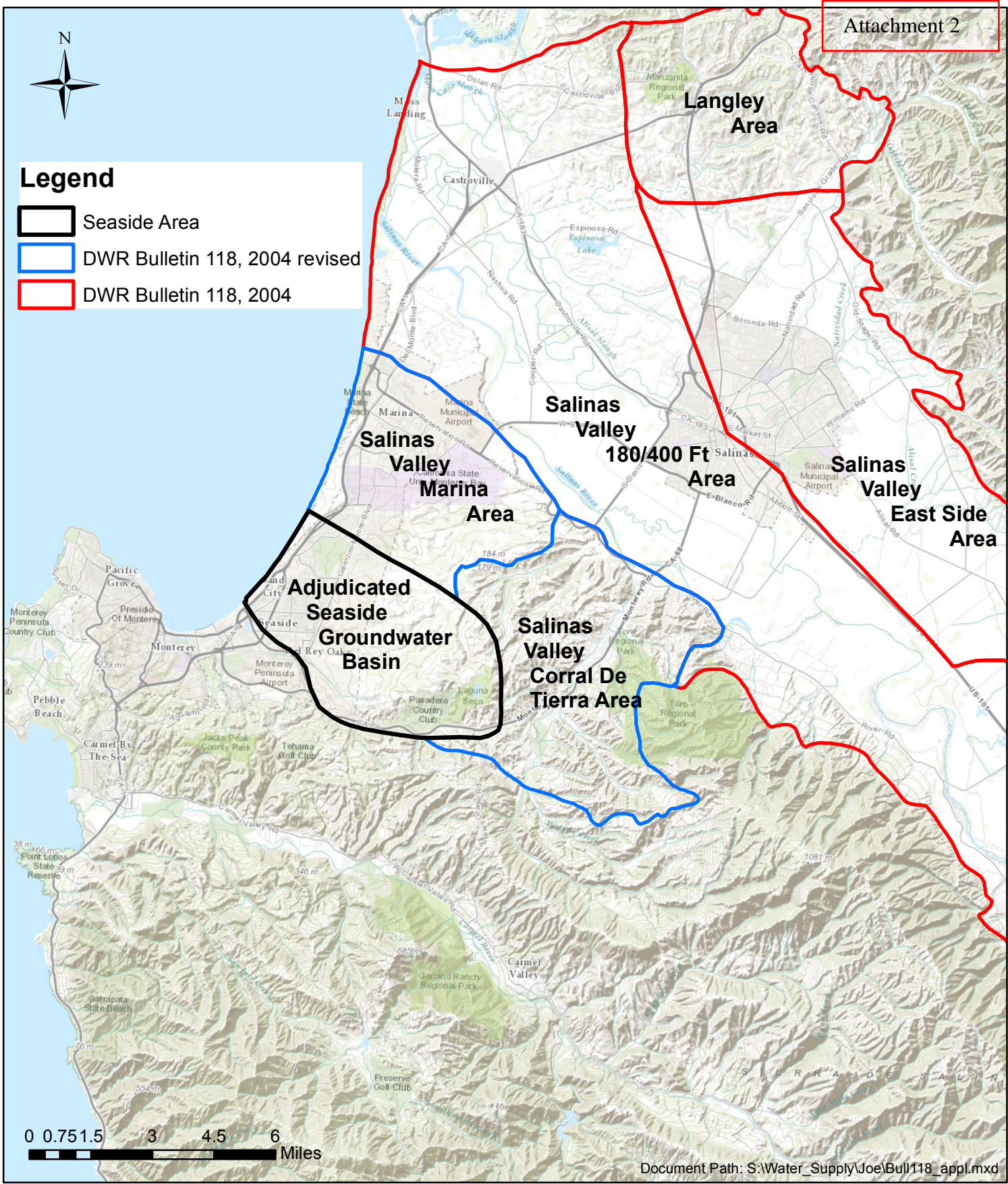
Source: DWR Bulletin 118, 2004





Legend

-  Seaside Area
-  DWR Bulletin 118, 2004 revised
-  DWR Bulletin 118, 2004



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

