

RESOLUTION NO. 2019-106

RECEIVING A PRESENTATION ON THE DRAFT GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE MARINA GROUNDWATER SUSTAINABILITY AGENCY PORTION OF THE 180/400 FOOT AQUIFER SUBBASIN, PROVIDE COMMENTS AND DIRECTION ON THE DRAFT GSP; AND APPROVE A NOTICE OF INTENT TO ADOPT A GSP IN ACCORDANCE WITH THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

WHEREAS, the Sustainable Groundwater Management Act of 2014, Water Code Sections 10720 – 10737.8 (“SGMA”) was signed into law on September 16, 2014; and

WHEREAS, on March 20th, 2018, the City Council of the City of Marina held a public hearing and passed Resolution 2018-25 forming the Marina Groundwater Sustainability Agency (MGSA) to undertake sustainable groundwater management within the portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin within the City; and

WHEREAS, SGMA requires that each California groundwater subbasin be managed by a single Groundwater Sustainability Agency (“GSA”) or by a combination of GSAs and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (GSP), or multiple coordinated GSP’s, as the case may be; and

WHEREAS, MGSA is required to assess the conditions in its local subbasin and to adopt a locally-based SGMA-compliant GSP for MGSA portion of the critically over drafted 180/400 Foot Aquifer Subbasin by January 31st, 2020; and

WHEREAS, MGSA filed an Initial Notification of its intent to prepare a GSP for its jurisdiction within the 180/400 Foot Aquifer Subbasin on July 31, 2019; and

WHEREAS, MGSA submitted a draft Intra-Basin Coordination Agreement for consideration by SVBGSA for coordinated implementation of their respective GSPs on DATE; and

WHEREAS, MGSA is in negotiations with MCWD GSA to adopt intra-basin and interbasin coordination agreements; and

WHEREAS, a draft GSP has been prepared and is available for public review;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Receive a presentation on the draft Groundwater Sustainability Plan (GSP) for the Marina Groundwater Sustainability Agency (MGSA) portion of the 180/400 Foot Aquifer Subbasin, and;
2. Provide comments and direction to staff on the draft GSP, and;
3. Approve a Notice of Intent to Adopt a GSP in accordance with the Sustainable Groundwater Management Act and direct staff to provide the notice per Water Code § 10728.4.

PASSED AND ADOPTED by the City Council of the City of Marina at a special meeting duly held on the 8th day of October 2019, by the following vote:

AYES: COUNCIL/AGENCY MEMBERS: Berkley, O’Connell, Morton, Delgado

NOES: COUNCIL/AGENCY MEMBERS: None

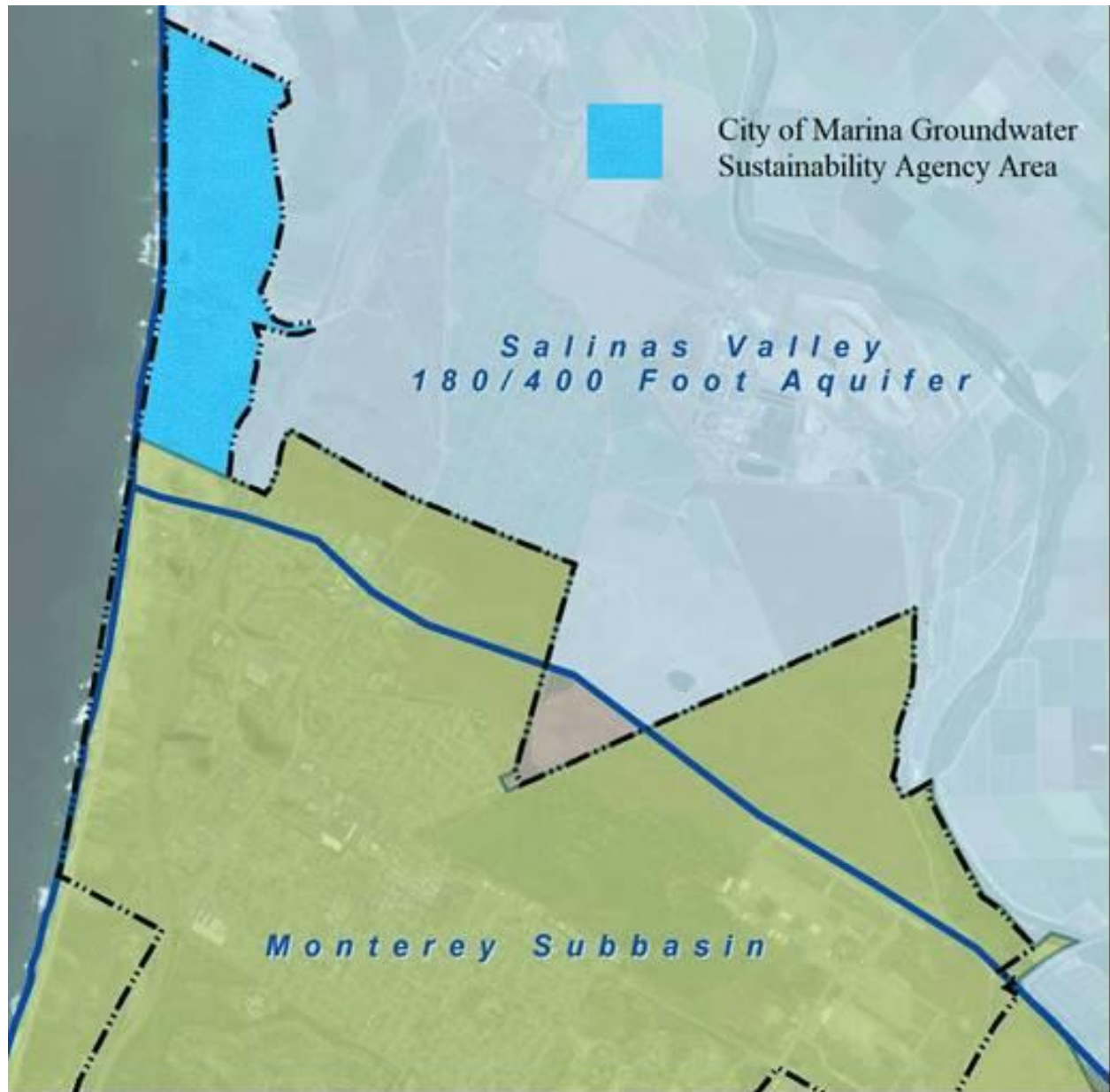
ABSTAIN: COUNCIL/AGENCY MEMBERS: None

ABSENT: COUNCIL/AGENCY MEMBERS: Urrutia

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk/Agency Secretary



**CITY OF MARINA**

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 831-884-1278; FAX 831-384-9148
www.cityofmarina.org

VIA EMAIL AND U.S. MAIL
Mark.Nordberg@water.ca.gov

July 31, 2019

Mr. Mark Nordberg
 GSA Project Manager
 California Department of Water Resources
 901 P Street, Room 213A
 P.O. Box 942836
 Sacramento, California 94236-0001

Subject: Initial Notification To Prepare Groundwater Sustainability Plan for a Portion of the 180/400-Foot Subbasin of the Salinas Valley Groundwater Basin

Dear Mr. Nordberg:

In accordance with California Water Code § 10727.8 and the Title 23, Section 353.6 of the California Code of Regulations, the City of Marina Groundwater Sustainability Agency (“MGSA”) hereby gives notice that the MGSA intends to initiate preparation of a Groundwater Sustainability Plan (“GSP”) within a portion of the 180/400-foot Aquifer Subbasin (DWR Basin Number 3-004.01).

On March 20, 2018, the City Council of the City of Marina formed the MGSA. On April 16, 2018, the MGSA notified the California Department of Water Resources (“DWR”), pursuant to Water Code § 10723.8(a), of its intent to become the exclusive GSA in an area within its jurisdictional limits, but which lies outside the jurisdictional limits of the Marina County Water District (“MCWD”) GSA. The MGSA boundaries include Monterey County Assessor Parcel Numbers (“APN”) 203-011-001; 203-011-019; 203-011-020; and portions of APN 203-011-023; 175-011-046; 175-011-031; and 203-011-011 (Figure 1).

Recent research work in this area of the 180/400-Foot Subbasin¹ has demonstrated that it includes significant freshwater resources within otherwise seawater-intruded portions of the Dune Sand and 180-Foot Aquifers, and that the water quality of the underlying 400-Foot and 900-Foot Aquifers is potentially vulnerable to water quality degradation from additional seawater intrusion

¹ See for example the following references:

Goebel, Pidlisecky, and Knight, 2017. Resistivity imaging reveals complex pattern of saltwater intrusion along Monterey coast. *Journal of Hydrology* (manuscript accepted February 17).
 Gottschalk, Ian, R. Knight and others, 2018. Interpretation of Hydrostratigraphy and Water Quality from AEM Data Collected in the Northern Salinas Valley, CA. Prepared for Marina Coast Water District. March 15.
 Monterey County Water Resources Agency, 2017. Recommendations to Address the Expansion of Seawater Intrusion in the Salinas Valley Groundwater Basin. Special Reports Series 17-01. October.
 Pidlisecky, Moran, Hansen, and Knight, 2016. Electrical resistivity imaging of seawater intrusion into the Monterey Bay aquifer system. *Groundwater*, Vol. 54, No. 2, p. 255-261.

as a result of local conditions. Development of a locally-focused GSP is therefore warranted to coordinate with the GSP currently under preparation for the remainder of the 180/400-Foot Subbasin by the Salinas Valley Basin Groundwater Sustainability Agency (“SVBGSA”). The MGSA locally-focused GSP will establish the MGSA GSP Area, define local hydrogeologic conditions, and establish local sustainable management criteria to protect the beneficial uses and users of groundwater in the area, and assure sustainable groundwater management in accordance with 23 C.C.R. § 350.4(e).

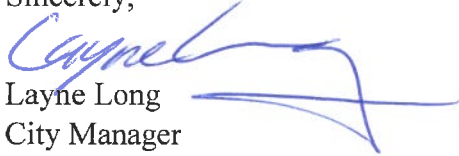
The GSP will be developed by MGSA staff and its consultants using information compiled by the SVBGSA and the MCWD GSA for preparation of their respective GSPs, supplemented by local investigation, monitoring data and other relevant information. The MGSA will work to establish an intra-basin coordination agreement with the SVBGSA pursuant to Water Code § 10727.6 and 23 C.C.R. § 357.4, and an inter-basin coordination agreement or equivalent document with the MCWD GSA to assure that preparation and implementation of the two GSPs in the 180/400-Foot Subbasin is effectively coordinated, subbasin sustainability goals are met, and the interests of all beneficial water users and uses in the subbasin are recognized and protected.

Interested parties are encouraged to participate in this GSP development. Specific avenues of participation that are or will be available pursuant to Water Code §§ 10723.2, 10723.4 and 10727.8(a) include, but are not limited to, the following:

- Interested parties can comment on this notification in accordance with 23 C.C.R. § 353.8 by posting their comments on the DWR SGMA Portal (<https://sgma.water.ca.gov/portal/gsp/init/all>);
- Interested parties can comment on the GSP for a 45-day public comment period after it is released in early October 2019;
- Interested parties can attend and provide comments at public meetings/workshops convened by the MGSA in the City Council chambers, currently scheduled on August 7 and October 29, 2019, which will be noticed and conducted in accordance with the Ralph M. Brown Act (Government Code §§ 54950, *et seq.*) and Water Code § 10727.5(a);
- MGSA will post information regarding GSP preparation and the draft GSP on its SGMA webpage at: <https://cityofmarina.org/918/Groundwater-Sustainability-Plan>, where parties can get additional information, sign up for the interested stakeholder email list, see materials for past or upcoming meetings related to the GSP development, and access a public review draft of the GSP;
- MGSA will distribute information regarding GSP preparation and related activities to a list of interested parties maintained in accordance with Water Code § 10723.4 and § 10723.8(a)(4);
- Interested parties can attend and provide public comment at MGSA hearings to adopt the draft GSP in or before January 2020 that will be noticed and conducted in accordance with the Brown Act and Water Code § 10727.5(a); and
- Marina City Council meetings are open to the public and include multiple opportunities for public comment. Presentations by technical specialists will occur as needed as the GSP preparation process continues.

A GSP Plan Manager and single point of contact for the GSPs in the 180/400-Foot Aquifer Subbasin will be designated in the Coordination Agreement that will be developed with the SVBGSA in accordance with 23 C.C.R. § 357.4 and Water Code § 10727.6. The MGSA has designated Brian McMinn, Public Works Director for the City of Marina, as the manager for its GSP preparation efforts. Please contact Mr. McMinn regarding any questions regarding this notification or if you would like additional information. He may be reached at bmcminn@cityofmarina.org or (831) 884-1212.

Sincerely,



Layne Long
City Manager
City of Marina



CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
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www.cityofmarina.org

October 8, 2019

To Whom it May Concern:

SUBJECT: NOTICE OF INTENT TO ADOPT A GROUNDWATER SUSTAINABILITY PLAN

On behalf of the City of Marina Groundwater Sustainability Agency (MGSA), pursuant to California Water Code Section 10728.4, MGSA hereby gives notice to the legislative body of any City, County, or Public Utilities Commission-regulated company within the geographic area covered by the pending MGSA portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin Groundwater Sustainability Plan (GSP) that MGSA intends to adopt the GSP for the MGSA portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin (Basin No. 3-004.01). A map of the GSP area is included herein.

Interested parties may provide comments on the Public Draft GSP during the scheduled public comment period, October 8, 2019 through November 22, 2019. Information regarding the Draft GSP has been posted on the MGSA website at <https://cityofmarina.org/918/Groundwater-Sustainability-Plan>. According to Water Code Section §10728.4: "A groundwater sustainability agency may adopt or amend a groundwater sustainability plan after a public hearing, held at least 90 days after providing notice to a city or county within the area of the proposed plan or amendment. The groundwater sustainability agency shall review and consider comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice."

No sooner than 90 days from the date of this Notice, MGSA will hold a public hearing and consider adopting the GSP. For meeting information and public hearing dates, please refer to the MGSA website.

Should you have any questions about this notice, please contact me by email at bmccminn@cityofmarina.org or by phone at (831) 884-1212.

Sincerely,

Layne Long
City Manager
City of Marina

The Draft Plan can be viewed on the website homepage:

<https://cityofmarina.org/918/Groundwater-Sustainability-Plan>

October 3, 2019

Item No. **4a**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of October 8, 2019

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2019-, RECEIVING A PRESENTATION ON THE DRAFT GROUNDWATER SUSTAINABILITY PLAN (GSP) FOR THE MARINA GROUNDWATER SUSTAINABILITY AGENCY PORTION OF THE 180/400 FOOT AQUIFER SUBBASIN, PROVIDE COMMENTS AND DIRECTION ON THE DRAFT GSP; AND APPROVE A NOTICE OF INTENT TO ADOPT A GSP IN ACCORDANCE WITH THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT

REQUEST:

It is requested that the City Council:

1. Adopt Resolution No. 2019-, receiving a presentation on the draft Groundwater Sustainability Plan (GSP) for the Marina Groundwater Sustainability Agency (MGSA) portion of the 180/400 Foot Aquifer Subbasin, and;
2. Provide comments and direction to staff on the draft GSP, and;
3. Approve a Notice of Intent to Adopt a GSP in accordance with the Sustainable Groundwater Management Act (SGMA) and direct staff to provide the notice per Water Code § 10728.4.

BACKGROUND:

In September 2014, Governor Brown signed historic legislation requiring that California's critical groundwater resources be sustainably managed by local agencies. SGMA gives local agencies including cities, counties and water districts or agencies, authority to sustainably manage groundwater over the long-term. Water Code Section 10721(n) defines local agency as “a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” Therefore, the City of Marina qualifies as a SGMA local agency since it has land use responsibilities within the Salinas Valley Groundwater Basin.

On March 20th, 2018, City Council passed Resolution 2018-25 forming MGSA to undertake sustainable groundwater management within a portion of the Salinas Valley Ground Water Basin 180/400 Foot Aquifer Subbasin within the City and outside of the Marina Coast Water District (MCWD) service area. A map of the GSA Boundary is attached as **EXHIBIT A**. On April 16th, 2018, MGSA notified the California Department of Water Resources (“DWR”), pursuant to Water Code § 10723.8(a), of its intent to become the exclusive Groundwater Sustainability Agency (GSA) for this area. The DWR accepted this filing, but because it overlaps with a filing by the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) for the entire groundwater subbasin in which MGSA’s jurisdictional area is located, a coordination agreement between the two GSAs will be needed. On August 20th, 2019, City Council passed Resolution 2019-88 approving a form of coordination agreement which has been presented to SVBGSA. As of the date of this report, an agreement has not been executed by the respective GSAs. Staff continues to work with SVBGSA staff on an agreement acceptable to both parties.

The cornerstone of SGMA is the development and adoption of a GSP by a GSA or multiple coordinated GSPs by a collection of GSAs in each medium and high priority groundwater basin and subbasin identified by DWR. Coordinated SGMA-compliant GSPs for the “critically overdrafted” 180/400 Foot Aquifer Subbasin must be adopted by January 31st, 2020 or the subbasin will be subject to State Water Resources Control Board intervention pursuant to Water Code Section 10735.2(a)(2). The GSPs must be designed to achieve basin sustainability within 20 years of adoption. SGMA defines sustainable management as managing and using groundwater in a way that can be sustained over a long period of time. Sustainable yield is defined as the amount of groundwater that can be withdrawn annually over the long term without causing "significant and unreasonable impacts" related to any of the following "undesirable results": chronically lowering groundwater levels, reduction of groundwater storage, causing seawater intrusion, degrading water quality, causing land subsidence or depleting interconnected surface water such as creeks, streams, rivers and wetlands. Sustainable groundwater management is defined as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.

On June 24th, 2019, MGSA, through the City Council, approved a professional services agreement with Formation Environmental for the preparation of the MGSA GSP.

On July 30th, 2019, MGSA and SVBGSA staff and attorneys met to discuss the potential terms for a SGMA coordination agreement between the two GSAs.

On July 31st, 2019, MGSA filed an Initial Notification with DWR of its intent to prepare a GSP for the portion of the 180/400 Foot Subbasin under its jurisdiction. A copy of the notification is attached as **EXHIBIT B**. The MGSA is required to assess the conditions in its local subbasin and to adopt locally-based sustainable management criteria, monitoring networks, and projects and management actions in its GSP.

On August 7th, 2019, City Council received a presentation on the MGSA GSA area and provided direction on the preparation of the GSP.

On August 20th, 2019, the City Council approved a draft form of coordination agreement which was submitted to SVBGSA for its consideration. MGSA has continued good-faith negotiations to adopt a Coordination Agreement since that time.

On September 13th, 2019, MGSA and SVBGSA staff held a coordination meeting to assure that the preparation and implementation of the two GSPs in the 180/400-Foot Aquifer Subbasin are effectively coordinated, subbasin sustainability goals are met, and the interests of all beneficial water users and uses are recognized and protected.

MGSA has engaged in an ongoing dialog with Marina Coast Water District GSA (MCWD GSA), the third GSA with jurisdiction in the 180/400 Foot Aquifer Subbasin, to enter into both inter- and intra-basin Coordination Agreements with them.

ANALYSIS:

To meet its obligations to protect local groundwater resources and comply with SGMA, MGSA must develop a locally-focused GSP for its GSA jurisdictional area. The GSP defines local hydrogeologic conditions, establishes sustainable management criteria to protect the beneficial uses and users of groundwater in the area, and will assure sustainable groundwater management in accordance with SGMA. Staff is coordinating efforts with the more regional GSP currently under preparation for the 180/400-Foot Subbasin by the SVBGSA. MGSA’s GSP will provide the local detail needed to address the unique conditions and groundwater uses in the area where MGSA has jurisdictional responsibilities.

SGMA allows a GSA to adopt a groundwater sustainability plan after a public hearing, held at least 90 days after providing notice to cities and counties within the plan area. The Notice of Intent to Adopt a Groundwater Sustainability Plan (**EXHIBIT C**) must be issued and provided to the City of Marina and the County of Monterey in accordance with Water Code § 10728.4. which states:

“A groundwater sustainability agency may adopt or amend a groundwater sustainability plan after a public hearing, held at least 90 days after providing notice to a city or county within the area of the proposed plan or amendment. The groundwater sustainability agency shall review and consider comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice.”

If approved by City Council, staff will deliver the Notice of Intent to Monterey County on October 9th, 2019

Staff proposes an open and inclusive process to finalize the GSP where interested parties are encouraged to participate. Specific avenues of participation include, but are not limited to, the following:

- Interested parties can comment on the Initial Notification that MGSA filed on the DWR SGMA Portal (<https://sgma.water.ca.gov/portal/gsp/init/all>);
- Interested parties can comment on the GSP for a 45-day public comment period starting today;
- Interested parties can attend and provide comments at a public meeting convened by the MGSA in the City Council chambers, currently scheduled October 29th, 2019;
- Staff will post information and updates regarding the draft GSP on the City webpage <https://cityofmarina.org/918/Groundwater-Sustainability-Plan> where interested parties can get additional information, sign up for the interested stakeholder email list, see materials for past or upcoming meetings related to the GSP development, and access the public review draft of the GSP;
- A hard copy of the Public Draft GSP may be reviewed at the City of Marina City Hall, 211 Hillcrest Avenue; the City of Marina Annex, 209 Cypress Avenue; or the Marina Branch Library, 188 Seaside Circle, all locations within the City of Marina.
- Staff will distribute information regarding GSP preparation and related activities to its list of interested parties maintained in accordance with Water Code § 10723.4 and § 10723.8(a)(4);
- Interested parties can attend and provide public comment at MGSA hearings to adopt the draft GSP in January 2020 that will be noticed and conducted in accordance with the Brown Act and Water Code § 10727.5(a).

pursuant to California Water Code § 10728.6, Division 13 (commencing with Section 21000) of the Public Resources Code, the provisions of the California Environmental Quality Act do not apply to the preparation and adoption of plans pursuant to SGMA.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the GSP. However, there will be costs associated with implementing the GSP over the coming decades. These costs, once determined, will be subject to future MGSA budget cycle considerations and approval.

CONCLUSION:

This request is submitted for City Council consideration and comment.

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina