



MARINA COAST WATER DISTRICT

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February 7, 2016

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Subject: Supplement to Notice of Election to Become the Exclusive Groundwater Sustainability Agency for Lands within MCWD's Jurisdictional Boundaries within the former Seaside Subbasin portion of the New Monterey Subbasin

Dear Mr. Nordberg,

Marina Coast Water District (MCWD or District) is providing this supplement to modify MCWD's Groundwater Sustainability Agency (GSA) Formation Notification for the Seaside Subbasin (Basin No. 3-04.08) posted September 29, 2016 to only include lands within MCWD's jurisdictional boundaries within the now designated Monterey Subbasin. This modification is in light of the County of Monterey GSA formation notification posted January 4, 2017, which resulted in an overlap with MCWD's GSA notice for the former Seaside Subbasin portion within the new Monterey Subbasin, but did not result in an overlap of lands within MCWD's jurisdictional boundaries.

On September 6, 2016, after giving notice as required by California Government Code section 6066 and California Water Code section 10723, the District held a public hearing in accordance with California Water Code section 10723(b) and elected to become an exclusive GSA by Resolution No. 2016-54. The District gave notice of election to become the GSA to the California Department of Water Resources (DWR) by letter dated September 16, 2016.

Subsequent to giving notice to become the GSA for portions of the Seaside Area Subbasin, DWR informed the District that the subbasin would be merged with the Corral De Tierra Subbasin (DWR Basin No. 3-04.10) into the new Monterey Subbasin for the formation of the Adjudicated Seaside Basin as part of the basin modification process. The District provided supplemental information and the Formation Notification was posted on September 29, 2016.

On December 22, 2016, the County of Monterey Board of Supervisors adopted Resolution 16-330 to become the GSA for all of the Monterey Subbasin but excluded all lands within the District's jurisdictional boundaries. The County subsequently filed a GSA formation notification and a GSA map. The County Formation Notification incorrectly assumed that the District's service area does not include the Ord Community service area. The County's GSA formation

notification was posted by DWR on January 4, 2017, resulting in an overlap with the District's lands within the Monterey Subbasin located outside of the District's jurisdictional boundaries.

Water Code §10723.8(c) requires local agencies to resolve GSA notification overlap issues, which results when two or more eligible local agencies submit a notice to become separate GSAs within the same area of a basin or subbasin. If the agency creating the overlap, here Monterey County, agrees that MCWD may be the GSA for certain lands designated in MCWD's GSA notice, then the overlap as to the uncontested lands may be resolved by modifying MCWD's DWR-posted notice to reflect that agreement.

In this case, the County does not contest that MCWD may serve as the exclusive GSA for lands within MCWD's jurisdictional boundaries. The County formation map clearly does not include any lands within MCWD's jurisdictional boundaries within the Monterey Subbasin.

On February 6, 2017, the MCWD Board of Directors made the necessary findings and adopted Resolution No. 2017-07 to resolve and eliminate the overlap as to MCWD's jurisdictional lands within the Monterey Subbasin and to authorize staff to submit the necessary modifications and information to the Department of Water Resources. The resulting MCWD GSA map is included as Attachment 1 (GIS shape files transmitted electronically) and the Board Resolution is included as Attachment 2.

Based upon the following, the Board of Directors found that this modification of MCWD's prior GSA formation notification to include only MCWD's jurisdictional lands within the Monterey Subbasin is not a material change:

- 1) This action eliminates the overlap because, based on the Board of Supervisors Resolution 16-330, the County agrees that MCWD may serve as the GSA within MCWD's jurisdictional boundaries. Please note that MCWD's jurisdictional boundaries do not include all lands within MCWD's designated Central Marina service area as shown on Attachment 1 and on the County-filed GSA map.
- 2) The action to modify the posted notice is not a material change because this is consistent with MCWD's original notification, which included its jurisdictional boundaries.

MCWD will continue working to resolve the remaining overlap issues with Monterey County and to negotiate and enter into a coordination agreement for the groundwater sustainability plans developed for the Monterey Subbasin.

If DWR accepts this requested non-material modification and designates MCWD as the exclusive GSA for lands within MCWD's jurisdictional boundaries within the Monterey Subbasin without the necessity of a 90-day posting period, then MCWD agrees to withdraw its original GSA notification for the former Seaside Subbasin, but MCWD will keep its original GSA notification for the former Corral de Tierra Subbasin in place.

Please notify me as soon as reasonably possible if DWR is (1) not able to accept this requested non-material modification and (2) not able to designate MCWD as the exclusive GSA for lands within MCWD's jurisdictional boundaries within the Monterey Subbasin without the necessity of a 90-day posting period.

If you have any questions or require further information regarding any of these matters, please contact me at (831) 883-5910.

Sincerely,



Keith Van Der Maaten
General Manager

Attachment:

Attachment 1 –MCWD Central Marina GSA Map (in pdf and GIS shape file format)
Attachment 2 – MCWD Board of Directors Resolution No. 2017-07