Groundwater Sustainability Agency – Marina Coast Water District (MCWD) endorsement request

Presentation to FORA Board of Directors
June 9, 2017

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Background

- 2014 – CA legislature adopts “Sustainable Groundwater Management Act” (SGMA)

- 2015 – Collaborative Working Group (CWG) established – governance of Salinas Valley Groundwater Basin (SVG B) Groundwater Sustainability Agency (GSA)
Background - Overlap

- **MCWD** - submitted Notice of Intent (NOI) to Department of Water Resources (DWR) to be Monterey Sub-Basin (former Fort Ord) GSA

- **SVGB GSA (a JPA)** - submitted NOI to DWR to be Monterey Sub-Basin (former Fort Ord) GSA

- If overlap dispute not resolved by **June 30, 2017**, State may recover its fees from locals for intervening/managing disputed area.
On April 4, 2017 - **MCWD letter requesting FORA MCWD endorsement** to be Fort Ord service area GSA.

Administrative Committee reviewed MCWD’s request on April 12 and May 3.

Administrative Committee recommended staff provide **draft MCWD endorsement letter for** Executive Committee and Board **consideration**.
Analysis

- **Basis for GSA application**
  - MCWD – 1998 Facilities Agreement – Fort Ord service area
  - Salinas Valley GSA – eligible as Monterey County GSA

- **Governance**
  - MCWD – 5-member board from Marina service area
  - Salinas Valley GSA – 11-member board from SVG B

- FORA’s legislated 2020 transition
State’s Advisory Opinion

- **State Water Resources Control Board (SWRCB) letter**
  - **MCWD lacks authority** to undertake groundwater management in Fort Ord
  - “a non-binding, advisory opinion”

- **MCWD legal counsel response letter**
  - **SWRCB letter** is an unenforceable **underground regulation**
  - **DWR determines GSA eligibility**, not SWRCB
Alternatively, Staff recommends considering a statement of principles for former Fort Ord groundwater resource.

Proposed Statement of Principles would provide guidance to whichever entity is the eventual GSA over former Fort Ord.

Proposed principles include:

- Implement 1997 Fort Ord Reuse Plan
- Implement equitable allocation of water
- Manage groundwater resources with an enduring local agency
Recommendations

i. Consider MCWD’s Fort Ord GSA endorsement request

ii. Consider authorizing the Executive Officer to transmit a letter (Attachment B) endorsing MCWD as the GSA OR

i. Consider endorsing a statement of principles for former Fort Ord groundwater resource.