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August 26, 2024

VIA ELECTRONIC MAIL

Clerk of the Board
Monterey County Board of Supervisors
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Re: Comments on Agenda Item No. 12 re Salinas Valley Groundwater Basin Investigation Report

Dear Board of Supervisors:

This letter is submitted on behalf of the Salinas Valley Water Coalition (Coalition) in response to item No. 12 on the agenda for the August 27, 2024, Monterey County Board of Supervisors meeting.

That agenda item arises from the 2012 settlement agreement resolving litigation by the Coalition and others that challenged California Environmental Quality Act (CEQA) compliance and other issues arising from the County's development and approval of 2010 updates to its General Plan.

First, the Coalition respectfully requests that more time be allowed to review and comment on the Salinas Valley Groundwater Basin Investigation Report (Report) and related materials for agenda item No. 12 before they are formally received by the County's Board of Supervisors. Despite being a party to the lawsuit and 2012 settlement agreement, the Coalition did not receive the Report until receiving a public notice and then specifically requesting the Report through the California Public Records Act. The public was not notified about the Report until last week when the meeting agenda was published on August 22. The Coalition and public need more time than that to evaluate the Report's factual findings or assumptions, its reasoning, and its conclusions and recommendations before the Report may be relied upon to carry out other actions under the 2012 settlement. The Coalition respectfully requests an additional 45 days from today to review and comment on the Report.

Second, the Report makes factual findings, or assumptions, that are misleading and should be corrected before the Report is formally received. For example, the Report states that "agricultural water demands were greater than projected in the EIR," citing 431,300 acre-feet (AF) of agricultural water demand as the 1995 baseline compared to 447,000 AF of agricultural water demand in 2017. (Report at 2.) The Report then relies on 2017 data to describe baseline groundwater pumping levels, stating that 2017 baseline agricultural pumping is 432,036 AF. (Report at p. 93.) Although the Coalition agrees with the Report's finding that overall "agricultural groundwater pumping has remained relatively stable over time," the most current data from 2023 shows that total agricultural pumping of 361,933 AF is significantly below the 2017 baseline level of 447,000 AF and the 1995 baseline level of 431,300 AF.

Third, the Report disregards historic and ongoing separate management of the Arroyo Seco Subarea and subsumes it into the Forebay Subarea, (Report at p. 38), even though the California Department of Water Resources (DWR) has approved the Arroyo Seco Subarea as a special Management Area overseen by the Arroyo Seco Groundwater Sustainability Agency (GSA). The Report references local implementation of the Sustainable Groundwater Management Act (SGMA), (e.g., Report at pp. 18-19), but omits the following SGMA determinations:

- DWR approved the groundwater sustainability plan (GSP) for the Upper Valley Subbasin, which finds the Upper Valley's groundwater use to be sustainable.
- DWR approved the GSP for the Forebay Subbasin, which finds the Forebay's groundwater use to be sustainable.

In contrast, GSPs approved for the 180/400-Foot Aquifer Subbasin and Eastside Subbasin confirm DWR's determination that these subbasins are critically overdrafted and will not become sustainable without management actions in these two subbasins.

The Report should be updated to clarify that the Salinas Valley Groundwater Basin is comprised of different subbasins in which groundwater sustainability varies by subbasin. To that end, the Report should be updated to highlight that General Plan implementation in sustainable subbasins, like the Upper Valley and Forebay, would not support the same kind of general plan implementation policies that may be applied in critically overdrafted subbasins, like the 180/400-Foot Aquifer and the Eastside subbasins.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



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cc: Kelly Donlon, Office of County Counsel
Nancy Isakson

