

## LEGAL ADVERTISEMENT REQUEST

This completed form, along with the Notice approved by County Counsel, must be received by the Clerk of the Board Office a **minimum of seven working days** prior to the publication date

### **TO BE COMPLETED BY ORIGINATING DEPARTMENT**

(See the back of this form for instructions)

Subject/Description: Authorization for the County of San Diego to Withdraw from Managing the Borrego Valley Groundwater Basin

Hearing Date: October 16, 2019 (Attach draft or copy of Board letter)

Publication Date(s): September 27, 2019 and October 4, 2019

Code Sections Applicable: Calif Gov Code 6066 and Calif Water Code 10723

Hearing notice must be published 14 days before hearing and requires 2 publication(s).

**All advertisements will be published in the San Diego Commerce unless otherwise requested**

Publish in (Newspaper): Daily Transcript

Mailings Required: Yes  (Include Mailing Labels) No

Posting Required: Yes  No

Billing Contact Name: Elizabeth Jimenez Billing Contact Phone No. 858-694-3008

Department Name: Planning & Development Services M.S. O-650

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Department Approval: Lardy, Eric  
Digital signature by Lardy,  
Eric  
Date: 2019.09.13  
14:36:48 -07'00'  
(Signature Required)

County Counsel Approval: Justin Crumley  
Digital signature by Justin  
Crumley  
Date: 2019.09.13  
14:06:51 -07'00'  
(Signature Required)

DATE: 9/10/19 **TO BE COMPLETED BY CLERK OF THE BOARD OFFICE**

Publish in (Newspaper): Daily Transcript

Affidavits Required After Publication Date of 9/27 & 10/4  
(Number)

Clerk of the Board Authorized Signature E. Riedy

Ad # 3295108

Revised 07/05/2018

**NOTICE OF PUBLIC HEARING**  
**COUNTY OF SAN DIEGO**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Diego will hold a public hearing to consider withdrawing as a Groundwater Sustainability Agency for the Borrego Valley Groundwater Basin.

**HEARING INFORMATION:**

**BOARD OF SUPERVISORS**

Date: October 16, 2019  
Time: 9:00 A.M. (at or after)  
Location: COC Campus Center Chambers, 5520 Overland Avenue, San Diego, CA 92123

**PROJECT: AUTHORIZATION FOR THE COUNTY OF SAN DIEGO TO WITHDRAW AS A GROUNDWATER SUSTAINABILITY AGENCY FOR THE BORREGO VALLEY GROUNDWATER BASIN (DISTRICT: 5)**

**PROJECT DESCRIPTION AND LOCATION:** This item is a request for the Board to consider terminating the *Memorandum of Understanding: Development of a Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin* (MOU) with Borrego Water District and to consider withdrawal of the County from being a Groundwater Sustainability Agency (GSA) for the Borrego Valley Groundwater Basin without adopting the Groundwater Sustainability Plan (Sustainability Plan).

On October 19, 2016 (1), the Board entered into a MOU with the Borrego Water District (BWD) to establish a GSA over the Borrego Valley Groundwater Basin (Basin) as required by the State of California's Sustainable Groundwater Management Act (SGMA). The purpose of a GSA under SGMA is to develop a Groundwater Sustainability Plan (Sustainability Plan) to achieve long-term groundwater sustainability in a basin.

The MOU defined roles and responsibilities for the County and BWD during development of the Sustainability Plan for the Basin. After a 60-day public comment period, the draft Sustainability Plan was finalized on August 30, 2019. SGMA requires the GSA to adopt and implement the Sustainability Plan by January 31, 2020 unless an alternative is submitted to the California Department of Water Resources (DWR).

As an alternative to the adoption and implementation of a Sustainability Plan, SGMA allows water rights holders in the Basin, with or without GSA involvement, to voluntarily modify water rights priorities by agreeing to terms in a Water Rights Holders Stipulated Agreement (Stipulated Agreement). Representatives from agriculture, golf courses, and municipal groundwater pumpers in the Basin, including BWD, have been negotiating terms of a Stipulated Agreement. A Stipulated Agreement could provide benefits that a GSA-implemented Sustainability Plan does not, including surety of water rights and reduced costs while avoiding an adversarial groundwater adjudication.

The Stipulated Agreement requires approval from the Superior Court of California and would provide a comprehensive determination of groundwater rights and a court appointed Watermaster board to manage groundwater resources in the Basin. Any Stipulated Agreement must be consistent with state legislation and would include the Sustainability Plan as the foundational document since it provides the technical basis to guide groundwater management decisions. Since groundwater management would be undertaken by the Watermaster board with oversight from the court, it is unnecessary for the County to remain as a GSA. If the County withdraws from being a GSA, its role in the Basin would transition from implementing the Sustainability Plan to overseeing its integration with the County's existing land use and well permitting responsibilities, as a non-GSA agency.

**SUMMARY OF FUNDING:** Funds for implementing the Sustainability Plan within the Basin are included in the Fiscal Year 2019-20 Operational Plan in Planning & Development Services. Approximately \$2.1 million of remaining funds budgeted for Sustainability Plan implementation activities will fund land use planning efforts in the Basin by the County including updating the Borrego Springs Community Plan. There will be no change in net General Fund cost and no additional staff years.

**ENVIRONMENTAL REVIEW:** The requested actions to terminate the MOU and withdraw from being a GSA over the Basin are not projects under CEQA since they are considered administrative activities that do not result in any direct or indirect physical change in the environment, in accordance with Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.

**GENERAL INFORMATION:** This public hearing is accessible to individuals with disabilities. If interpreter services for the hearing impaired are needed, please call the Americans With Disabilities Coordinator at (619) 531-5205 or California Relay Service, if notifying by TDD, no later than seven days prior to the date of the hearing.

If you challenge the Board's action in court, you may be limited to raising only those issues you or someone else raised at a public hearing, or in written correspondence delivered to the Hearing Body at or before the hearing. Rules of the Hearing Body may limit or impose requirements on the submittal of such written correspondence.

For additional information regarding this proposal, contact Jim Bennett, Water Resources Manager, at (858) 694-3820.

