



**Contra
Costa
County**

To: Board of Supervisors
From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE
Date: April 25, 2017

Subject: Consider Establishing a Contra Costa County Groundwater Sustainability Agency

RECOMMENDATION(S):

1. OPEN public hearing, RECEIVE testimony, and CLOSE public hearing.
2. ADOPT Resolution No. 2017/148, DECLARING Contra Costa County's intent to become a Groundwater Sustainability Agency for a portion of the Tracy Subbasin within Contra Costa County excluding the areas of the Cities of Antioch and Brentwood, Byron Bethany Irrigation District, Diablo Water District, Discovery Bay Community Services District and East Contra Costa Irrigation District, and to approve a Memorandum of Understanding related to development of a proposed Groundwater Sustainability Plan for the subbasin, as recommended by the Transportation, Water and Infrastructure Committee.

FISCAL IMPACT:

To date, the Department of Conservation and Development has prepared the maps for the cooperating entities use and has participated in the preparation of the MOU, prepared staff reports and supporting materials for the Board's consideration in this matter. The outside technical/consultant costs associated with developing the Groundwater Sustainability Plan will be shared equally among the eight parties and is estimated at \$625,000. However, the County, at its sole discretion, may satisfy its share of GSP costs (\$78,125) by providing

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **04/25/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 25, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Ryan
Hernandez/925-674-7824

By: June McHuen, Deputy

cc:

in-kind services, which may include additional mapping, graphics, and database management services. Other Departments have regulatory authority and/or expertise relevant to the issue, have been involved to date, will likely be involved in the future (e.g. Environmental Health Division) and their involvement may contribute to the County's in-kind services.

FISCAL IMPACT: (CONT'D)

All in-kind services will be accomplished through existing staff resources and no augmentation to current budget levels is anticipated.

At this time, staff cannot anticipate the cost to the County of implementing and enforcing a groundwater sustainability plan, but that further information will be provided when the Board is asked to consider approving the plan.

BACKGROUND:

In September 2014, the California Legislature enacted the Sustainable Groundwater Management Act of 2014 (SGMA), which established a statewide framework for the sustainable management of groundwater resources. That framework focuses on granting new authorities and responsibility to local agencies while holding those agencies accountable. The framework also provides for state intervention where a local agency fails to develop a groundwater sustainability plan in a timely manner.

SGMA requires all high-priority and medium-priority groundwater basins, as designated by the California Department of Water Resources (DWR), be managed by a Groundwater Sustainability Agency (GSA). A local public agency, or combination of local public agencies overlying a designated basin, may become a GSA if the agency(ies) has(ve) water supply, water management, or land use responsibilities within a groundwater basin. A combination of local public agencies may form a GSA by way of Joint Exercise of Powers Agreement, a Memorandum of Understanding, or other legal document. (Wat. Code, §§ 10723(a), 10723.6.) SGMA provides that if no public agency becomes the GSA for a portion of the underlying basin, the County becomes the GSA by default unless it takes action to decline the responsibility, in which case the State would regulate. Becoming a GSA does not result in direct or indirect physical changes in the environment and does not constitute a Project under Section 15378 of Title 14 of the California Code of Regulations.

The Tracy Subbasin is referred to as DWR Basin 5-22.15, San Joaquin Valley and is shown on Exhibit A. The Tracy Subbasin is located in eastern Contra Costa County, as well as San Joaquin County and Alameda County, and is a medium-priority groundwater basin.

SGMA sets deadlines for the formation of GSAs and the adoption of Groundwater Sustainability Plan (GSPs) which, if not met, will allow the State to intervene. By June 30, 2017, all high-priority or medium-priority groundwater basins are required to have a single GSA or multiple GSAs that cover the entire basin. All high-priority or medium-priority groundwater basins must adopt a single GSP or a coordinated set of GSPs by January 31, 2022. On April 12, 2016, the Board declared its intent to become a member of a Groundwater Sustainability Agency (GSA) for the portion of the Tracy Subbasin within Contra Costa County (CCC) and sustainably manage groundwater resources within the county in compliance of the SGMA.

The Board's decision in April 2016 contemplated a single GSA collectively managed by the County, Cities of Antioch and Brentwood, Byron-Bethany Irrigation District, Contra Costa Water District, Diablo Water District, East Contra Costa Irrigation District and the Discovery Bay Community Services District. However, as interagency discussions continued, it was determined that the creation of individual GSAs coordinated through a memorandum of understanding was more appropriate initially in order to avoid creating a new legal entity before a GSP had even been drafted. During development of the GSP the parties will revisit the governance structure. The County intends to act as a GSA to manage the portions of the Subbasin located within those areas shown in Exhibit C.

The East County entities have prepared a draft Memorandum of Understanding (MOU) for the development of a single Groundwater Sustainability Plan, Exhibit D, with the intent that each GSA will adopt the same GSP. The purpose of this MOU is to coordinate the above entities activities related to each party becoming a GSA, development of the GSP for the Tracy Subbasin within CCC and each entity's future consideration of whether to adopt the GSP. The MOU provides that the ultimate governance structure will be reassessed during development of the GSP. The GSAs in the portion of the Tracy Subbasin within Contra Costa County are shown on Exhibit B.

From the start, the County preferred to collaborate in an effort to ensure sustainable groundwater management, manage the groundwater basin as efficiently as practicable balancing financial resources, while retaining the County's existing land use and groundwater management authority. The MOU accomplishes these goals for the period during which the GSP is prepared. The MOU states the GSP will be drafted in a manner that preserves land use authority of each city or county, or the statutory authority of each special district. It also states the GSP must include provisions for consultation between a GSA and any public agency that the GSA overlaps before the GSA takes any action that may relate to the public agency's exercise of its statutory authority.

The Transportation, Water and Infrastructure Committee recommends the Board become a Groundwater Sustainability Agency for a portion of the Tracy Subbasin within Contra Costa County excluding the areas of the Cities of Antioch and Brentwood, Byron Bethany Irrigation District, Diablo Water District, Discovery Bay Community Services District and East Contra Costa Irrigation District and authorize the Conservation and Development Director, or designee, to execute the Memorandum of Understanding and enter into an agreement with East Contra Costa County member agencies that will develop a Groundwater Sustainability Plan for the portion of the Tracy Subbasin within Contra Costa County.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not adopt the resolution, the County would not affirmatively decide to become a GSA for the portion of the Tracy Subbasin shown on Exhibit C to the resolution, and there would be no coordination agreement among the overlying agencies regarding the development of a groundwater sustainability plan for the subbasin. If another agency does not elect to become the GSA for that portion of the subbasin, Water Code section 10724 would require the County to either serve as the GSA, or notify the state that it will not serve in that capacity, which would result in state intervention in local groundwater management.

CLERK'S ADDENDUM

Speakers: Chris Christian, resident of Brentwood; Steve Larsen, resident of Byron.

CLOSED the hearing; ADOPTED Resolution No. 2017/148, DECLARING Contra Costa County's intent to become a Groundwater Sustainability Agency for a portion of the Tracy Subbasin within Contra Costa County excluding the areas of the Cities of Antioch and Brentwood, Byron Bethany Irrigation District, Diablo Water District, Discovery Bay Community Services District and East Contra Costa Irrigation District, and to approve a Memorandum of Understanding related to development of a proposed Groundwater Sustainability Plan for the subbasin.

ATTACHMENTS

Resolution No. 2017/148

Exhibit A

Exhibit B

Exhibit C

Exhibit D- MOU