



**Contra
Costa
County**

To: Board of Supervisors
From: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE
Date: December 7, 2021

Subject: Consider Approving the East Contra Costa Groundwater Sustainability Plan

RECOMMENDATION(S):

1. OPEN public hearing, RECEIVE testimony, and CLOSE public hearing.
2. ADOPT Resolution No. 2021/397 adopting the East Contra Costa Groundwater Sustainability Plan ("GSP") for the East Contra Costa Groundwater Subbasin ("Subbasin") in connection with the County's obligations as the groundwater sustainability agency within those portions of the Subbasin located outside 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, as recommended by the Transportation, Water and Infrastructure Committee.

FISCAL IMPACT:

To date, the Department of Conservation and Development has prepared maps for the cooperating entities use, has facilitated the preparation of the Memorandum of Understanding ("MOU") for the preparation of the GSP, prepared staff reports and supporting materials for the Board's consideration in this matter. The outside technical/consultant costs associated with developing the GSP have been shared equally among the seven groundwater sustainability agencies ("GSA") responsible for implementing

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☒ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/07/2021** ☒ 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: December 7, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Ryan Hernandez,
925-655-2919

cc:

the GSP and the Contra Costa Water District, except that the County has satisfied its share of GSP preparation costs by providing in-kind services, which included mapping, graphics and database management services among other things.

FISCAL IMPACT: (CONT'D)

Each GSA is responsible for implementing the GSP within its GSA boundary. Much of that work can be pooled and costs shared. Contra Costa County will be asked to pay the one-eighth cost share, rather than in-kind services, for implementing the GSP. Staff estimates the County's share will be less than \$40,000 per year. The County's cost share will be paid for by the County's Water Agency funds. All GSP implementing costs will be accomplished through existing Water Agency funding and no augmentation to the current budget levels is anticipated.

A revised MOU is being developed and contains the framework and cost share for implementation of the GSP. This includes the preparation of mandatory annual reports and establishing funding requirements for the required five-year comprehensive review of the GSP. We anticipate the Board will consider approving the revised MOU during the first quarter of 2022.

BACKGROUND:

In 2014, a legislative package, referred to as the Sustainable Groundwater Management Act ("SGMA"), created a fundamental change in the governance of California's groundwater. SGMA required the formation of groundwater sustainability agencies for over 140 groundwater basins, including the East Contra Costa ("ECC") Subbasin. Signed into law by Governor Jerry Brown, and effective January 1, 2015, SGMA set forth a long-term, statewide framework to protect groundwater resources. Under the new law, the seven ECC GSAs, each charged with the development and implementation of a groundwater sustainability plan, were formed within the ECC Subbasin ("Subbasin").

The purpose and intent of the SGMA mandate is for groundwater to be managed by local public agencies (GSAs) to ensure a groundwater basin is operated within its sustainable yield through the development and implementation of a GSP. The GSAs, along with partners, worked collaboratively to prepare a single GSP for the ECC Subbasin in accordance with the codified principle that sustainable groundwater management is best achieved locally. The Subbasin boundary and GSA areas are shown in Exhibit "A".

The East Contra Costa Groundwater Subbasin is a medium priority basin, (DWR Basin 5-22.19, San Joaquin Valley) and is located entirely within Contra Costa County. The seven GSAs listed below, and the Contra Costa Water District make up the "Working Group" and cover all portions of the ECC Subbasin.

- City of Antioch
- City of Brentwood
- Byron Bethany Irrigation District
- Contra Costa County
- Diablo Water District
- Discovery Bay Community Services District
- East Contra Costa Irrigation District

It is worth noting the original boundary of the Tracy Groundwater Subbasin included the jurisdiction of multiple cities and the counties of Contra Costa and San Joaquin. To streamline the development of the required GSP, the GSAs in Contra Costa and San Joaquin Counties applied to the State to divide the Tracy Subbasin along the border of Contra Costa and San Joaquin Counties. On February 11, 2019, the Department of Water Resources approved dividing the Tracy Subbasin into two subbasins (e.g., East Contra Costa Subbasin and the new Tracy Subbasin) thereby creating a separate groundwater basin entirely within Contra Costa County.

The Working Group has prepared a final Groundwater Sustainability Plan dated October 15, 2021, attached as Exhibit “B” to be considered for adoption by the Board of Supervisors and the governing bodies of the six other GSAs.

Groundwater conditions in the ECC Subbasin are favorable and reflect stability over the past 30 years or more. Using various analogies, the Subbasin can be described as generally full through various water-year types, including drought and is in good “health”. The favorable conditions are in part due to surface water availability that represents the largest sources of supply for municipal and agricultural uses in the Subbasin.

The GSP describes the size, location and boundary of the subbasin and the physical features of the aquifer system and groundwater conditions (Sections 2 and 3). The plan includes a water budget for the Subbasin which is informed by a hydrogeologic groundwater conceptual model that provides an accounting and assessment of the total annual volume of groundwater and surface water entering and leaving the Subbasin (Sections 4 and 5). The groundwater model projects the amount of pumping that can occur while avoiding undesirable results, known as “sustainable yield”. The Subbasin’s sustainable yield is approximately 55% greater pumping of groundwater than the historical average.

The GSP details the groundwater monitoring networks and data management systems that will be used to ensure the Subbasin continues to be used in a sustainable manner. This will be achieved by gathering groundwater level data from a network of monitoring wells (Section 6). The GSP describes sustainable management criteria and establishes a sustainability goal for the Subbasin defining undesirable results and quantifying minimum thresholds and measurable objectives (Section 7). The sustainability goal for the ECC Subbasin is to protect and maintain safe and reliable sources of groundwater for all beneficial uses and users in the face of climate change. The GSP concludes with a review of projects and possible management actions that may be implemented if the conditions of the Subbasin change in the future (Sections 8 and 9).

Development of the GSP was a collaborative effort among the GSP Working Group (seven GSAs and CCWD), technical consultants, community members, and stakeholders. The Working Group conducted over 40 meetings, from 2018 to 2021. Documents posted to a publicly accessible website, Working Group meeting notes, surveys, newspaper

notices, and direct email outreach were used to keep the public informed of the GSP development and provide opportunities for public input.

The Working Group members also provided regular updates through individual agency public meetings and websites. Information was provided through social media by those agencies with a presence on such platforms. Three public workshops, held between July 2020 and September 2021, were used to inform and engage beneficial users of groundwater in the ECC Subbasin and discuss each section of the GSP. Stakeholder comments were incorporated into the final GSP, attached as Exhibit “B”.

Water Code section 10728.4 requires the County to: provide notice of proposed groundwater sustainability plan to each city and county within the area covered by the plan; consult with cities and counties that request consultation within 30 days after said notice is given; and consider any comments on the proposed plan submitted by cities and counties. The County is the only county covered by the plan. On June 9, 2021, the County provided the required notices to all cities covered by the plan and no city requested consultation. Additionally, no written comments were received from any cities in the planning area in response to those notices. The Cities of Antioch and Brentwood participated in developing the plan, and each will implement the plan within its respective jurisdiction.

Additionally, the Municipal Advisory Councils (Council) in the unincorporated County within the ECC groundwater basin are in Bethel Island, Byron and Knightsen. Each Council meets regularly to advise the County Board of Supervisors. The County GSA emailed the draft GSP to individual members of each Council above and presented the draft GSP on the following dates:

- Knightsen Town Advisory Council-September 14, 2021
- Byron Municipal Advisory Council-September 28, 2021
- Bethel Island Municipal Advisory Council-October 12, 2021

To date, the Cities of Antioch and Brentwood, the Diablo Water District, and the Discovery Bay Community Services District Board’s have adopted the GSP. It’s anticipated that the remaining GSAs and CCWD will adopt the GSP prior to the end of the calendar year.

The Transportation, Water and Infrastructure Committee recommends the Board of Supervisors, as the Groundwater Sustainability Agency for portions of the East Contra Costa Subbasin (DWR Basin 5-22.19), adopt the final East Contra Costa Groundwater Sustainability Plan dated October 15, 2021, within those portions of the Subbasin located outside 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 take all actions necessary to cause the East Contra Costa Groundwater Sustainability Plan to be submitted to DWR by January 31, 2022.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not adopt the ECC GSP, the County would be in violation of the Sustainable Groundwater Management Act, which would result in the State Water Resources Control Board intervening in local groundwater management.

ATTACHMENTS

Resolution 2021/397

Exhibit A - ECC Subbasin Map

Exhibit B - East Contra Costa Groundwater Sustainability Plan

ECC GSP Presentation