

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # B-7

Urgent ☐

Routine ☒

AGENDA DATE May 19, 2015

CEO Concurs with Recommendation YES ☒ NO ☐
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

STAFF RECOMMENDATIONS:

Accept the update on groundwater management and other water resources related matters in Stanislaus County.

FISCAL IMPACT:

There is no fiscal impact related to accepting this update.

BOARD ACTION AS FOLLOWS:

No. 2015-224

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No.

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

DISCUSSION:

Sustainable Groundwater Management Act (SGMA)

On September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed by Governor Brown to address state-wide groundwater management issues. The law became effective on January 1, 2015. This legislation has now become the driving force behind groundwater management in the State. The development of sustainable groundwater management plans, their implementation, compliance requirements (data collection), and reporting will now dictate all local and regional efforts pertaining to groundwater resources management.

SGMA provides a framework for the creation of Groundwater Sustainability Agencies (GSA) that are given broad powers to develop, implement and enforce Groundwater Sustainability Plans (GSP). Specific timelines for creating the GSA and developing/implementing the GSP are provided in the legislation, as well as reporting requirements to demonstrate compliance. The plans must include monitoring and management of the groundwater basin(s) over a 50-year planning time period, and the GSP must articulate measurable objectives to be achieved every five years.

The SGMA allows a local public agency, or combination of agencies, to be a GSA for the purpose of developing and implementing a GSP for a particular groundwater basin or subbasin. All, or a portion of four such groundwater subbasins are beneath the footprint of Stanislaus County. These are:

- 1) The Eastern San Joaquin Subbasin
- 2) The Modesto Subbasin
- 3) The Turlock Subbasin
- 4) The Delta-Mendota Subbasin

Local public agencies eligible to be part of a GSA must have either water supply, water management, or land use responsibilities. Local public agencies intending to be a GSA for all, or a portion, of a basin must notify the Department of Water Resources (DWR) by June 30, 2017. If a GSA is not formed, the local County becomes the default GSA under the legislation.

Local agencies have options on how they may structure their GSA. A local public agency or combination of agencies, may establish a GSA. For example, each water district, city, and county could designate itself as a GSA and be responsible for their own portion on the basin; or they could join together using a joint powers authority or memorandum of understanding to form a GSA, submitting one GSP for all, or a portion of the basin.

A basin covered by more than one GSA must have a "Coordinated Agreement" where the agencies must coordinate and utilize the same data and methodologies (e.g., groundwater elevation data, groundwater extraction data, surface water supply, total

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

water use, change in groundwater storage, water budget, sustainable yield) for their GSP. Basins could be covered by a single GSP submitted by one agency, a single GSP submitted by multiple agencies, or multiple GSPs submitted by multiple agencies. Groundwater basins are not in compliance until all the GSPs are submitted representing the geographic coverage of the entire basin.

The SGMA requires both groundwater and land use agencies to review and consider each other's GSP and to coordinate land use and water management with the intent that land use decisions should be taken into consideration in the need to achieve sustainable groundwater targets. To achieve sustainable basin targets, the GSA has a broad set of optional authorities available. For example, they may conduct investigations into the need for groundwater management and water rights, and conduct inspections. They may oversee water management projects such as groundwater recharge, waste water reclamation, water purchases, and programs to voluntarily fallow agricultural land. A GSA may collect groundwater pumping information by requiring the registration of wells, metering of well extraction, and reporting of annual groundwater extractions.

Implementing an appropriate management structure, that is responsive to local interests, is a critical consideration to successful implementation of SGMA. The water stakeholders in Stanislaus County have been exploring the various options related to the formation of such designated GSAs and have considered a number of governance structures. These include the following options:

- 1) An integrated, subbasin approach;
- 2) A stand-alone subbasin approach, with an overarching Coordinating Committee;
- 3) An integrated, combined subbasin approach;
- 4) A single, County-wide model; and
- 5) A Tri-County structure.

These GSA discussions are occurring at the groundwater subbasin level throughout the County on an ongoing and regular basis. The water purveyors and other stakeholders in the County have earnestly engaged in these conversations and are working diligently toward the formal establishment of a GSA for their respective basin.

The hybrid approach represented by Option 2 above has also resonated with most stakeholders in the County, across multiple subbasin boundaries and across existing institutional boundaries. This idea incorporates the concept of an overarching "Regional Groundwater Coordinating Committee" (RGCC) that would act as a "stitcher" to sew the various individual GSAs into a cohesive, regional fabric. This governance model has also gained support from the Stanislaus County Water Advisory and Technical Advisory Committees and was further vetted and explored at the County Water Summit held on January 16, 2015 and at the County co-hosted workshop held on February 5, 2015 entitled "Implementing the Sustainable Groundwater Management Act: *Local Governance Approaches and Considerations*." See Attachments 1 and 2 for a graphical representation of this concept.

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

While there has been wide preliminary consensus that regional coordination will have value to SGMA groundwater management implementation efforts in the County, the proposition will not come to fruition without careful examination of the structure, representation, legal instruments, costs, funding, functions, and deliverables. This concept has been further explored via numerous presentations made to community service clubs located throughout the County over the last few months.

At present these concepts are being further explored through the development of a White Paper on the subject of the RGCC. This concept was recently explored with key legislative staff from the Governor's Office of Planning & Research, the Senate Committee on Natural Resources, the Assembly Water, Parks and Wildlife Committee, and the Department of Water Resources during a legislative visit made on April 27, 2015. The briefing paper (and funding "ask") that was prepared for this visit is included with this staff report as Attachment 3. Whereas, the region is ahead of the funding curve in the sense that the funding agencies have not yet developed their grant programs (the source of funds is \$100 million from Proposition No. 1), there is potentially funding available from other sources such as the State Water Resources Control Board. At this time County staff is working with staff from the California State University, Sacramento Center for Collaborative Policy (CCP) regarding facilitation services related to furthering the RGCC concept and securing local buy-in. More information will be presented to the Board of Supervisors by the end of the year at the next scheduled water resources activities update report.

Groundwater Management Action Plan - Implementation

On June 10, 2014, the Board of Supervisors was presented with the Groundwater Management Action Plan (GMAP) developed by the Stanislaus County Water Advisory Committee (WAC). Further direction was given by the Board at the November 25, 2014, meeting to implement certain high priority elements included in the GMAP. Specifically, the Board authorized staff to hire a consultant to map the location of certain water well facilities located in the unincorporated "white areas" of the County and to develop a groundwater database to house pertinent, County-wide hydrogeologic information to be collected now, and in the future, such as water level data and groundwater extraction information. The Board also authorized staff to hire a consultant to provide certain hydrological California Environmental Quality Act (CEQA) services related to implementation of the revised Stanislaus County Groundwater Ordinance (GWO) as it would apply to non-exempt water well construction permit applications in the County. The following paragraphs outline the current status of these directives.

Water Well Facilities Mapping and Database Development

After an extensive evaluation and interview process, including staff from the County's General Services Agency and Department of Environmental Resources, as well as external review provided by staff from the City of Modesto and the Modesto Irrigation District, the firm of Tetra Tech, Inc., from Rancho Cordova, CA, was selected to perform

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

the water well facilities mapping and groundwater database management system (DMS) for the County.

In general, the DMS will be used for both short- and long-range planning, as it relates to the SGMA. In particular, the short- and long-range uses of the DMS include general groundwater management planning, developing groundwater level monitoring networks, enhanced understanding of the subsurface geology, and future gathering and storing of groundwater extraction data. Such information will also be included in the longer term groundwater planning processes that are occurring in the region. For the most part, existing water management entities (municipalities & irrigation districts) have already compiled such groundwater data but very little data, if any, is known from certain "white areas" located within Stanislaus County jurisdiction. "White areas" refer to the unincorporated areas of Stanislaus County that are outside the boundary or service area of any municipality or water district. The generalized study area is the northeast foothills region of the County. This work is expected to be completed within six months. A report on this effort will be made to the Board at that time, if not sooner.

Groundwater Ordinance

When the Groundwater Ordinance, Revision No. 1 (revised GWO), was adopted by the Board last November, it was recognized that certain provisions in the revised GWO would require discretionary agency action to be taken by the Board and, as such, would trigger specific requirements of CEQA. Staff was given authorization to hire a consultant to provide hydrological CEQA services to assist staff with implementation of the revised GWO, in particular with the development of the review criteria that would be used to determine unsustainable groundwater extraction and CEQA compliance. Since the adoption of the revised GWO, only four well construction permit applications have been submitted to the County thus far which are not found to be exempt from the requirements of the revised GWO. The applicants have been notified of the requirements of the revised GWO but none have chosen to further pursue the CEQA analysis as of the writing of this item.

Jacobson James & Associates (JJ&A) of Roseville, CA, was selected to perform these services following a thorough and competitive selection process, involving inter-departmental County staff that included the Chief Executive Office, County Counsel, General Services Agency, Planning and Community Development Department, Department of Environmental Resources, and staff from CSU Fresno. JJ&A will provide all of the labor and materials to perform the hydrologic services to support the County's well-permitting CEQA compliance obligations as they pertain to the revised GWO, or as added to the Scope of Work under a future task order. Generally, JJ&A will provide professional services to evaluate non-exempt well construction permits that are received by the County. JJ&A will evaluate the supporting documentation that is submitted to ensure consistency with the revised GWO and other information needed to demonstrate that adverse impacts resulting from unsustainable groundwater extraction within specific geographic areas of the County can be avoided.

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

JJ&A will provide professional counsel to the County as to whether the project (and supporting project documentation) is sufficient to recommend that:

1. The project be deemed exempt under CEQA; or
2. A Negative Declaration, or a Mitigated Negative Declaration must be completed; or
3. A full Environmental Impact Report shall be prepared.

JJ&A will provide the County with technical support in gaining an understanding of the extraction limits with regards to short- and long-term pumping periods and with the development of a permitting program that takes into consideration regional commitments, cumulative impacts to the aquifer and impacts to neighboring agencies and other legal users, such as domestic supply wells. This will be accomplished through the development and adoption of rigorous and technically defensible procedures and thresholds of significance for evaluating permit applications.

JJ&A will assist County staff in developing review criteria, including the necessary supporting documents that the applicant will be required to supply, to determine whether there is substantial evidence that the proposed groundwater extraction is: (1) a reasonable and beneficial use of water; (2) will not result in unsustainable extraction; and (3) is consistent with the public interest. JJ&A will further assist with training and education of County staff on the environmental process for conducting appropriate environmental assessments on issuing well permits and/or approving modifications to existing groundwater wells.

These hydrologic CEQA services are for a six month period. Staff will report to the Board by the end of the year at the next scheduled water resources activities update report. The update report will focus on what has been learned in particular with the cost of implementing the CEQA analysis and what the permit fee (at 100% cost recovery) should be going forward. On April 28, 2015, the Board approved new fees for the Department of Environmental Resources that includes the ability to recover the costs associated with processing non-exempt well permit applications. These fees become effective on June 18, 2015.

POLICY ISSUE:

The recommended actions support the Board's priorities of A Safe Community, A Healthy Community, the Efficient Delivery of Public Services, A Well Planned Infrastructure System, A Strong Agricultural Economy and Heritage, and a Strong Local Economy by providing adequate protection of one of the County's most valuable natural resources: groundwater.

STAFFING IMPACT:

Existing staff within the Department of Environmental Resources will continue to oversee and implement the activities related to the groundwater management in

Approval to Accept an Update on Groundwater Management and Other Water Resources Related Matters

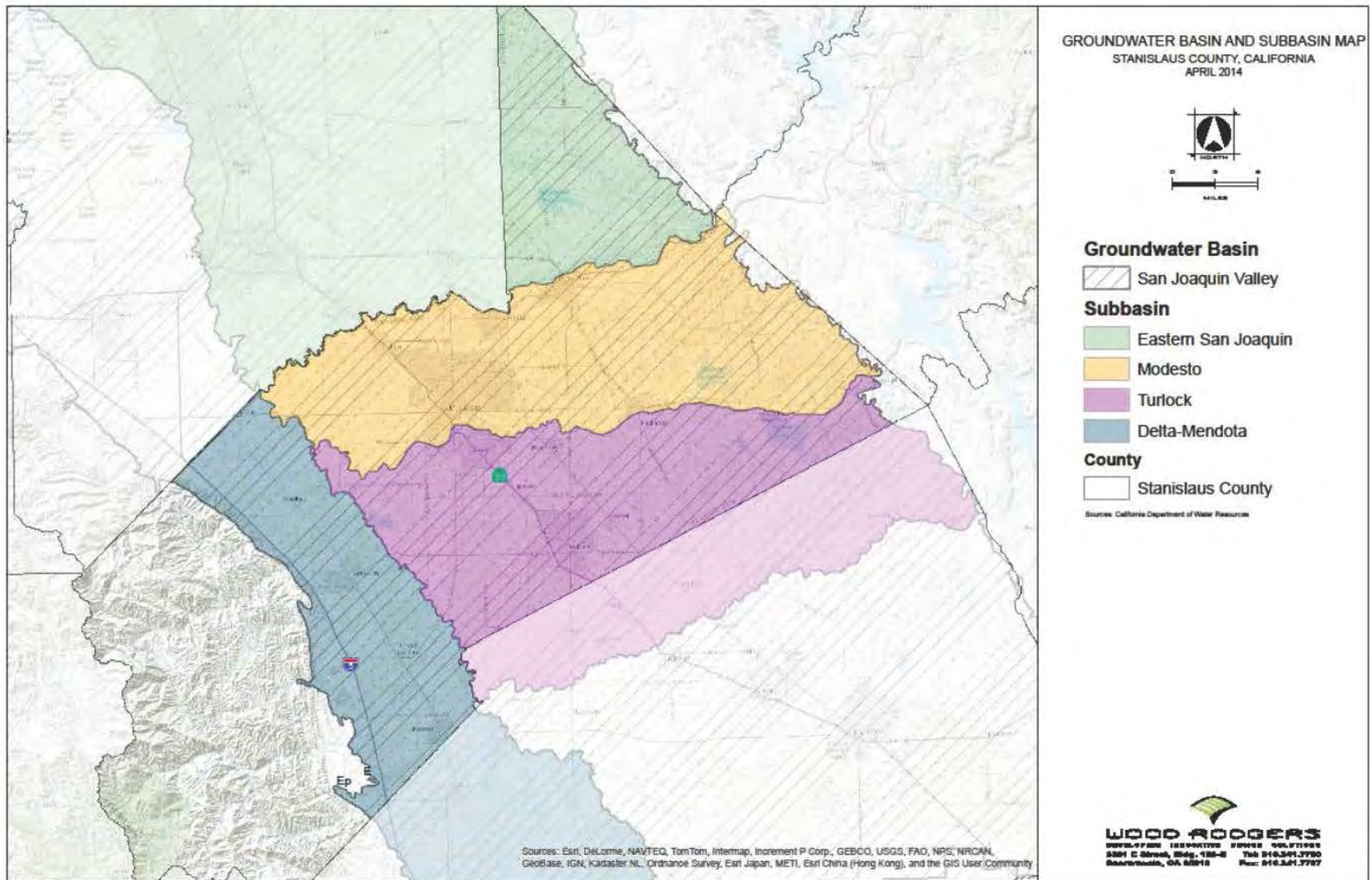
Stanislaus County, with the assistance of the Chief Executive Office, County Counsel, Planning and Community Development Department, and the outside consultants described herein.

CONTACT INFORMATION:

Walter Ward, Water Resources Manager	Telephone: 209-525-6710
Jami Aggers, Director of Environmental Resources	Telephone: 209-525-6770
Keith D. Boggs, Assistant Executive Officer	Telephone: 209-652-1514

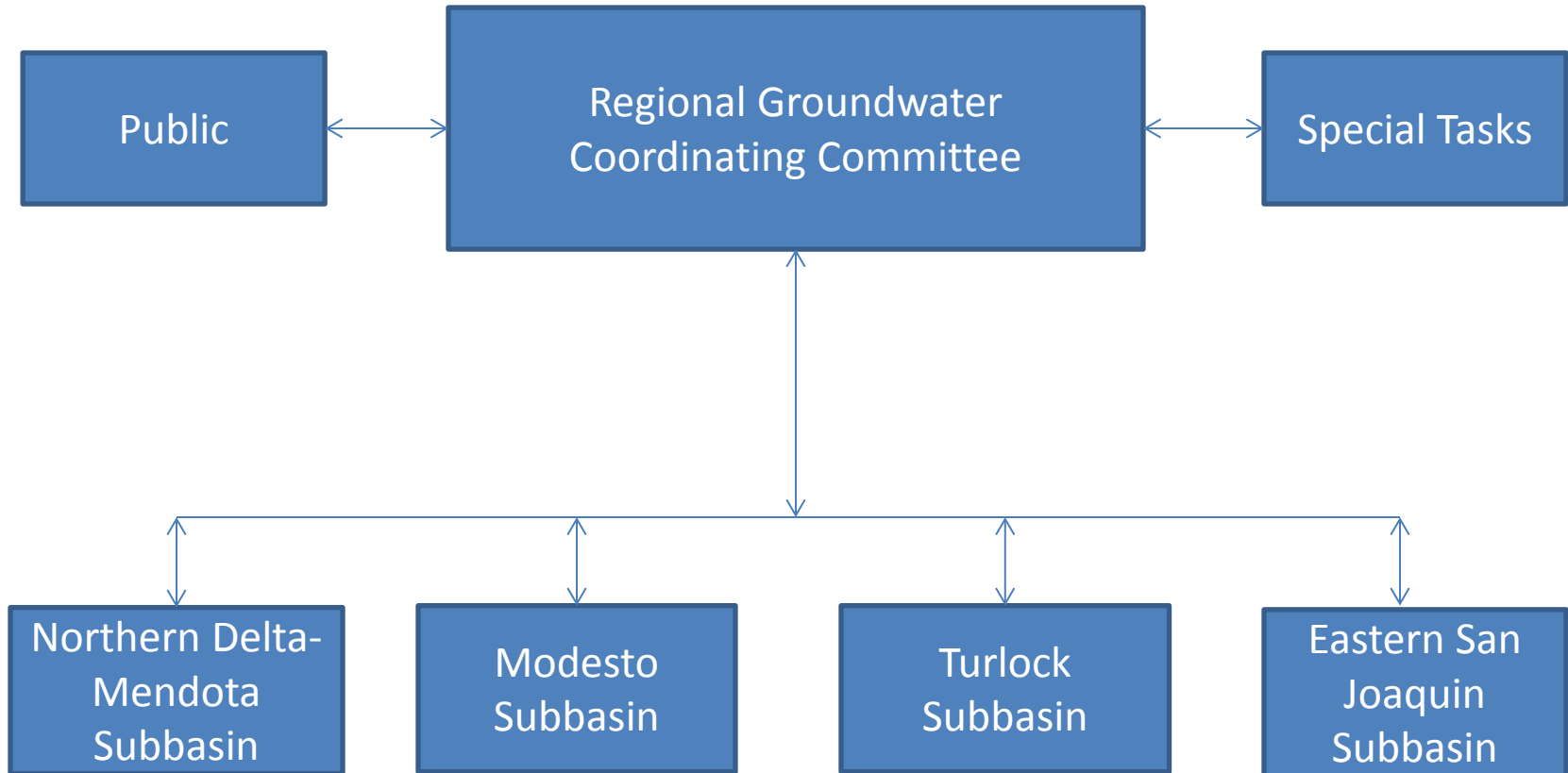
ATTACHMENTS:

1. Groundwater Subbasins in Stanislaus County, CA
2. Groundwater Sustainability Agency Coordination Committee Structure
3. Groundwater Briefing Sheet



FIGURE

GROUNDWATER SUSTAINABILITY AGENCY COORDINATION COMMITTEE STRUCTURE



GROUNDWATER BRIEFING SHEET
Stanislaus County
April 2015

SUCSESSES AND STRATEGY TO DATE

Stanislaus County is very much engaged in a proactive process related to all things groundwater education, outreach, sustainability and governance.

Several of our key accomplishments over the past 18 months include:

1. County Board of Supervisors hired a Groundwater Manager to oversee and facilitate our groundwater development and outreach process;
2. Our Board has approved a Groundwater Ordinance and subsequently revised that ordinance to align with the new State SGMA legislation;
3. We have formed a County wide Groundwater Advisory Group - Water Advisory Committee (WAC) to delve into the many issues and provide useful policy recommendations to our Board;
4. To support the WAC effort - we have also formed a Technical Advisory Committee (TAC) to assist the WAC process with technical issues;
5. The WAC/TAC model has our communities moving close to regional agreement regarding governance strategy per SGMA guidelines;
6. The Board of Supervisors developed a Domestic Well Recovery Loan Program - a means tested loan program for residents that have experienced failed wells in the unincorporated area. To date there have been six (6) applications approved - four (4) of those applications are completed and those residents now have new well infrastructure;
7. County Board has invested in a county wide data collection effort to build a digital data base to assist with decision making. This effort is ramping up this spring and we anticipate very useful data this fall;
8. The County Office of Emergency Services has reconvened the local Drought Task Force and will schedule regular meetings going forward into the spring and summer – to include all local water purveyors. This will assist with gathering critical information pertaining to ongoing and emerging issues.
9. OES has also developed (and the BOS has approved) an extensive Emergency Response Plan available in the event that a local unincorporated community loses its water supply.
10. The County has developed a robust information portal on the County website that directs residents that are experiencing water supply problems to report those issues to the County so that they can be logged and mapped. The website also directs domestic well owners to the financial assistance loan program. In addition, we also will be adding a new link on the County's website that discusses in-home water conservation tips.

FUNDING ASSISTANCE – NEXT STEPS

It is anticipated that the next steps related to SGMA implementation will be largely focused on the governance structure development and creation of the various Groundwater Sustainability Agencies in which the County will be an active partner, and, ultimately the backstop GSA.

We anticipate that there may be at least four (4) such GSA's covering the four separate groundwater basins that the County overlies. Our best estimate at this time, based upon other past groundwater planning efforts in the region, is shown below.

- Governance development costs = \$300,000

This cost estimate is based upon the level of effort we think will be necessary related to facilitation/outreach and the administrative/legal effort required to develop and execute the necessary contractual agreements that will be required for governing the GSA's. This dollar amount only represents the County's share of the total cost that will be expended for this effort over the next two-year period.

In addition to the regional effort related to the formation of the GSA's, which will involve detailed and intricate discussions with many other County, City and agricultural water purveyors in the region, the County is embarking on its own groundwater data collection program. This program is focused on the unincorporated "white areas" of the County where private landownership dominates the landscape and, in which, rapid land use conversion from native rangeland to permanent nut orchards and vineyards have been developed over the last decade. These areas are 100% dependent on groundwater for their water supply.

The County considers that the collection of four critical, elemental datasets, be created to accomplish this goal. These are:

- (1) Mapping the location of the major production wells;
- (2) Catalogue the construction details of such wells to understand their aquifer completion zone;
- (3) Construct a robust, close-scale water level monitoring network conformable with the regional CASGEM program, and;
- (4) collect County-wide groundwater extraction data (from all water purveyors, including municipal public water supply systems).

With such a program, the aquifer(s) change(s) in water level can be monitored in response to the pumping volume extracted across a geographically dispersed area. In this manner, the County can then identify areas of concern that need more evaluation or the development of new management strategies to properly address the sustainability of the groundwater resources.

The compilation of these datasets is critical for the County to move forward with the implementation of SGMA, in particular in partnership with other members of the various GSA's for which much of this information is much better understood than in the unincorporated regions of the County.

- Water Well Facilities Mapping = \$168,000
- Groundwater Database Development = \$96,000
- Water Level Monitoring Network = \$36,000
(local scale mesh with CASGEM)
- Extraction Volume Data Collection Program = \$36,000

TOTAL = \$636,000

Stanislaus County

Update on Groundwater Management and Other Water Resources Related Matters

**Jami Aggers, Director – Environmental Resources
Walt Ward, Water Resources Manager**

May 19, 2015

Topics

1. Sustainable Groundwater Management Act (SGMA)
2. Water Well Facilities Mapping & Database
3. Groundwater Ordinance Implementation

SGMA

- Signed into law by Governor Brown on September 16, 2014
- Gives *local public agencies* the authority to adopt Groundwater Sustainability Plans (50 year planning horizon and 20 year implementation period)

SGMA

- The legislation imposes specific timelines:
 - Establish Groundwater Sustainability Agencies (GSA's) by June 30, 2017
 - May be multiple GSA's within a single basin

SGMA

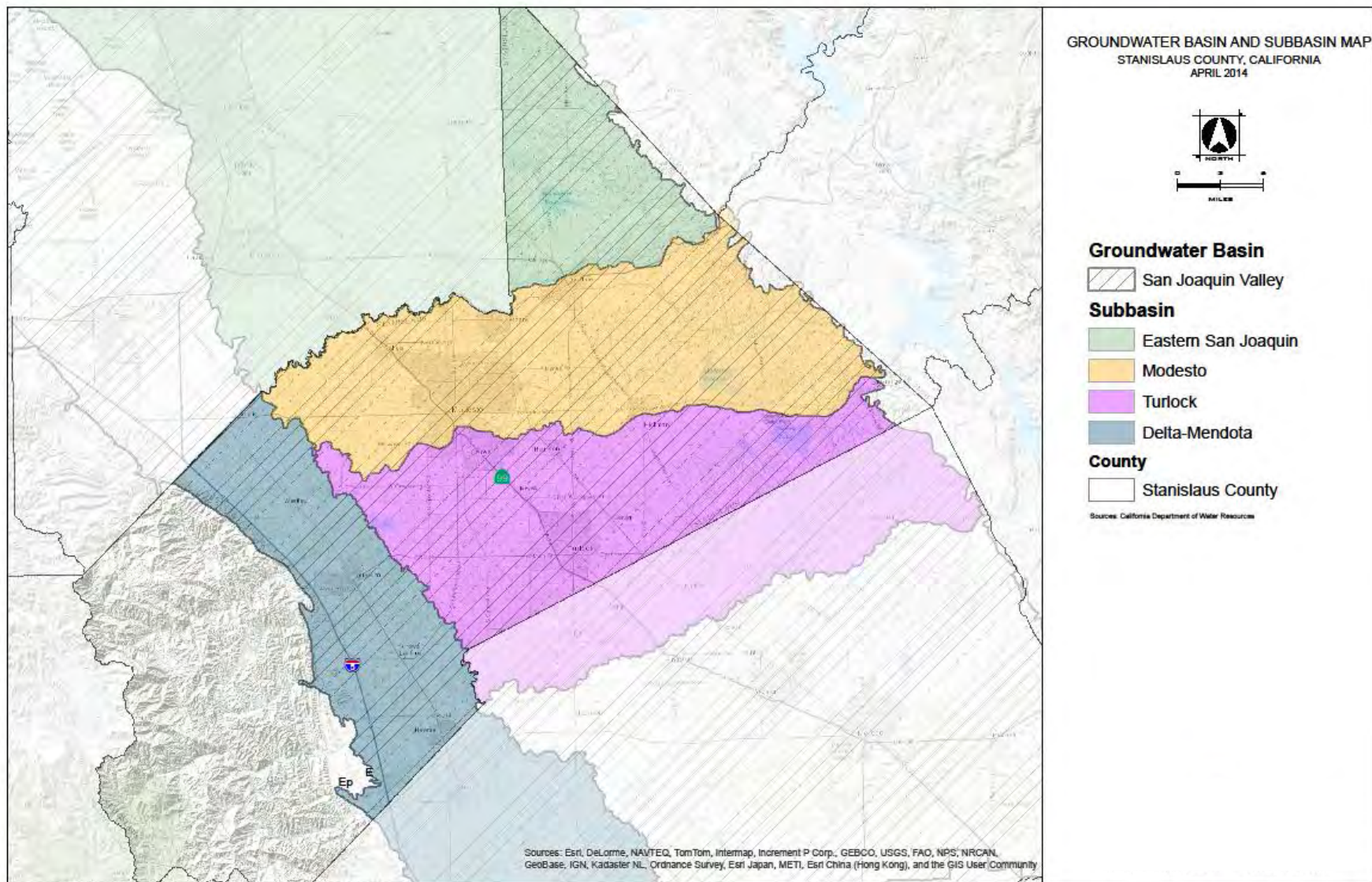
- Basins designated as “critically” overdrafted by DWR in Bulletin 118 must have plans in place by *January 31, 2020*
- Basins “not critically” overdrafted, but designated by DWR as high or medium priority basins, must have plans in place *January 31, 2022*

SGMA

- Agencies electing to become GSA's are given broad powers and authority regarding groundwater management, including:
 - Investigate and determine the sustainable yield of a groundwater basin
 - Collect pertinent groundwater monitoring information

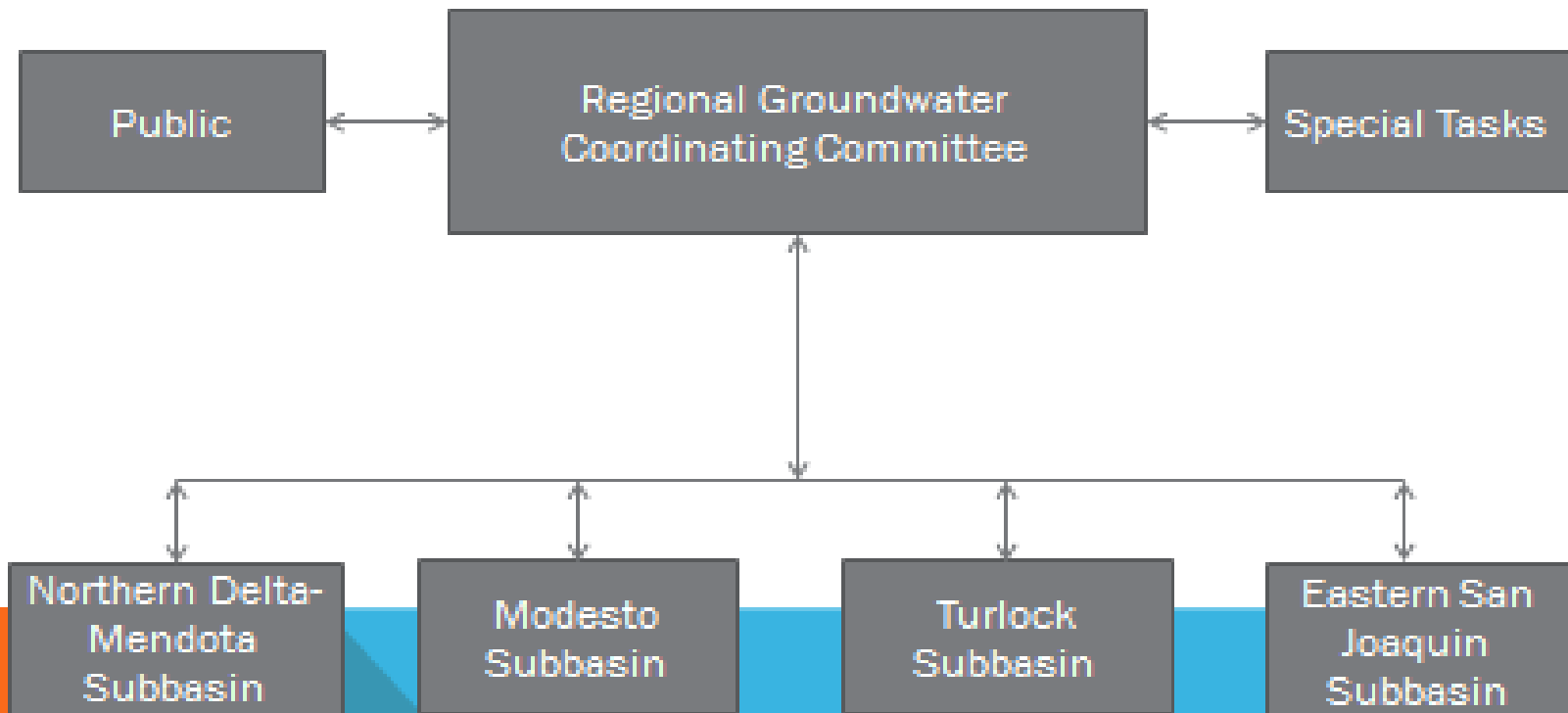
SGMA

- Limit groundwater extractions
- Impose fees for groundwater management
- Enforcement of the terms of a Groundwater Sustainability Plan



FIGURE

GROUNDWATER SUSTAINABILITY AGENCY COORDINATION COMMITTEE STRUCTURE



SGMA Implementation

- Formation of GSA's
- Regional Groundwater Coordinating Committee structure and Partnership Agreements
 - Center for Collaborative Policy
- Department of Water Resources Practitioners Advisory Panel
- Funding Opportunities

Groundwater Management Action Plan (GMAP)

- High-Priority, Near-Term actions
 - Water Well Mapping & Database
 - Groundwater Ordinance Implementation
- Funding approval by Board of Supervisors

Water Well Facilities Mapping

- Very little known data from certain “White Areas” located within Stanislaus County jurisdiction
- Board authorized staff to hire a consultant to provide water well mapping services and the creation of a groundwater database for the eastside of the County

Water Well Facilities Mapping

- After a thorough review of consultant qualifications and interview process the firm of Tetra Tech was selected
- These services have only just gotten started and are for a six month period.
- Staff will report back to the Board at the next scheduled water resources activities update.

Groundwater Ordinance

When the Groundwater Ordinance, Revision No. 1 (revised GWO), was adopted by the Board last November, it was recognized that certain provisions in the revised GWO would require discretionary agency action to be taken by the Board and would trigger specific requirements of CEQA (California Environmental Quality Act).

Groundwater Ordinance

Staff was given authorization to hire a consultant to provide hydrological CEQA services to assist staff with implementation of the revised GWO, in particular with the development of the review criteria that would be used to determine unsustainable groundwater extraction and CEQA compliance.

Groundwater Ordinance (Cont'd.)

After a thorough, inter-departmental review and selection process the firm of Jacobson James & Associates (JJ&A, Roseville) was chosen to perform these services.

JJ&A will assist County staff in developing review criteria, including the necessary supporting documents to show that the proposed groundwater extraction is sustainable.

Groundwater Ordinance (Cont'd.)

This will be accomplished through the development of technically defensible procedures and thresholds of significance

- (1) a reasonable and beneficial use of water;
- (2) will not result in unsustainable extraction;
Avoid or Minimize Undesirable Results; and
- (3) is consistent with the public interest.

Groundwater Ordinance (Cont'd.)

Staff will report to the Board by the end of the year at the next scheduled water resources activities update report.

The update report will focus on what has been learned in particular with the cost of implementing the CEQA analysis and what the permit fee (at 100% cost recovery) should be going forward.

Next Steps

- Groundwater Ordinance implementation
- Groundwater Data Collection
- Centralized Database
 - Water Well Location
 - Water Levels/Extraction Volume
- Coordinate and integrate inter-basin groundwater data to assist Groundwater Sustainability Planning

Next Steps

- Compliance with Sustainable Groundwater Management Act
 - Formation of the various Groundwater Sustainability Agencies
 - Development of Groundwater Sustainability Plans

Staff Recommendations

Accept the update on Groundwater Management and Other Water Resources Related Matters

QUESTIONS

&

DISCUSSION