



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors, Board of Directors, Sonoma County Water Agency

Board Agenda Date: March 17, 2015

Vote Requirement: Majority

Department or Agency Name(s): Board of Supervisors, Board of Directors, Sonoma County Water Agency

Staff Name and Phone Number:

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Supervisorial District(s):

All

Title: Sustainable Groundwater Management Act Briefing

Recommended Actions:

- a) Receive report on the Sustainable Groundwater Management Act and recommended strategy for initial implementation in Sonoma County.
- b) Authorize Chair to execute agreement with Consensus Building Institute, Inc. to perform a stakeholder assessment in an amount not to exceed \$40,000 for the period April 1 to September 30, 2015.
- c) Authorize Chair to execute the first amended agreement with Pete Parkinson increasing the amount by \$90,000, and expanding the scope of work to include consultation for implementing the Sustainable Groundwater Management Act of 2014 for a new not-to-exceed agreement total of \$115,000 and end date of June 30, 2017.

Executive Summary:

HISTORY OF ITEM/BACKGROUND

Sustainable Groundwater Management Act Overview:

In September 2014, Governor Brown signed historic legislation requiring that California's critical groundwater resources be sustainably managed by local agencies. The Sustainable Groundwater Management Act (Act) gives local agencies (cities, counties and water districts/agencies) additional powers and authorities to sustainably manage groundwater over the long-term. The Act requires the formation, by June 30, 2017, of new Groundwater Sustainability Agencies tasked with assessing the conditions in their local basins and adopting locally-based Groundwater Sustainability Plans for medium- and high-priority groundwater basins (as designated by the California Department of Water Resources). In Sonoma County, three of the county's 14 basins and sub-basins are currently designated as medium-priority: Santa Rosa Plain, Sonoma Valley and Petaluma. No Sonoma County basins are currently designated as high-priority. A countywide map showing these basins is included as Attachment 1. The California Department of Water Resources may reprioritize basins and sub-basins in the future, which could result in the designation of additional basins or sub-basins as medium or high priority.

Groundwater Sustainability Plans must be completed for the affected Sonoma County basins by January 31, 2022. Implementation of these plans must bring the basins into sustainability within 20 years of adoption. The Act defines sustainable management as managing and using groundwater in a way that can be sustained over a long period of time. Specifically, sustainable yield is defined as the amount of groundwater that can be withdrawn annually without causing “significant and unreasonable impacts” related to any of the following “undesirable results”: chronically lowering groundwater levels, causing seawater intrusion, degrading water quality, causing land subsidence or depleting interconnected surface water (for example, creeks, streams and rivers).

The Act empowers Groundwater Sustainability Agencies to use a number of new management tools to achieve the sustainability goal. For example, Groundwater Sustainability Agencies may conduct investigations, require registration of groundwater wells, determine the sustainable yield of a basin, measure and limit groundwater extractions, assess fees for groundwater management, and enforce the terms of a groundwater sustainability plan. Groundwater Sustainability Agencies also may request a revision of a groundwater basin boundary, including the establishment of new sub-basins.

The Act also requires increased coordination between water supply and land use planning agencies. The Groundwater Sustainability Agency must consider land use assumptions contained in local general plans when it prepares the Groundwater Sustainability Plan. Prior to any substantial amendment of a general plan, land use planning agencies are required to review and consider a Groundwater Sustainability Plan and to refer a proposed general plan amendment to the local Groundwater Sustainability Agency for review. As part of this process, a Groundwater Sustainability Agency is required to provide the local land use planning agency with the anticipated effects of a proposed land use plan amendment on the implementation of the Groundwater Sustainability Plan. The Act also allows Groundwater Sustainability Agencies to request that counties provide well construction applications for the Groundwater Sustainability Agency’s consideration and comment, but counties maintain well permitting authority unless the county delegates that power to the Groundwater Sustainability Agency.

The chart below includes key milestones for complying with the Act. If these milestones are not met, the State Water Resources Control Board (State Water Board) will intervene, leading to loss of local control, possible curtailment of water use and state-imposed fees.

Time	Action
June 30, 2017	Formation of Groundwater Sustainability Agencies
January 31, 2020	Completion of plans in critically overdrafted basins (does not apply in any Sonoma County groundwater basins at this time)
January 31, 2022	Completion of plans in all other medium- and high-priority basins
20 years after adoption of plan	High- and medium-priority basins achieve sustainability

Affected Sonoma County Groundwater Basins:

Both Sonoma Valley and Santa Rosa Plain groundwater basins have groundwater management plans developed under the pre-Sustainable Groundwater Management Act groundwater management planning

statutory scheme (AB 3030 and SB 1938). The Water Agency is the lead agency in these efforts, working with basin advisory panels to develop and implement groundwater management plans in each basin. The basin advisory panels include representatives from agriculture, environmental groups, residential well owners, the County, cities, tribes, and community water districts. These voluntary, non-regulatory plans are an excellent first step toward groundwater sustainability, and will significantly advance the region's ability to comply with the Act by establishing a robust data collection and monitoring program and by promoting, studying and implementing programs and projects aimed at sustaining the basins' groundwater resources. These existing plans also foster stakeholder coordination and public outreach, both of which are essential elements of the Act. These plans, however, do not meet the more stringent requirements of the new law and will need to be updated to ensure the basins will meet the sustainability goal established by the Act. In the Petaluma Valley basin, the Water Agency and the City of Petaluma are currently engaged in a 3-year United States Geological Survey study, initiated in September 2014, to analyze groundwater use and conditions.

Groundwater Sustainability Agency Formation:

The Act requires the formation of a Groundwater Sustainability Agency (or agencies) for the medium-priority basins in Sonoma County by June 30, 2017. Any local public agency or a combination of local agencies that has water supply, water management, or land use responsibilities within a groundwater basin may elect to be a Groundwater Sustainability Agency through a joint powers agreement, memorandum of agreement or other legal agreement. A water corporation regulated by the California Public Utilities Commission may participate in a Groundwater Sustainability Agency if the local agencies approve. A federally recognized Indian tribe may voluntarily agree to participate in the preparation and implementation of a groundwater sustainability plan. The County would become the default Groundwater Sustainability Agency in any basin or portion of a basin where no other entity steps forward by June 30, 2017. If the County declines to be the Groundwater Sustainability Agency, the State Water Board will step in.

In Sonoma County, several public agencies are eligible to be the Groundwater Sustainability Agency or part of the Groundwater Sustainability Agency in each basin. For example, the County or the Water Agency could be the Groundwater Sustainability Agency that encompasses any or all of the basins in the county. In addition, cities and water districts within a particular groundwater basin could be the Groundwater Sustainability Agencies for the part of the basin over which they have jurisdiction. The Act allows multiple Groundwater Sustainability Agencies and plans for a single basin but in such cases the Act requires a coordination agreement that covers the entire basin. Structurally, there are three overarching governance options: one countywide Groundwater Sustainability Agency; separate Groundwater Sustainability Agency for each basin; or a hybrid using countywide resources with basin-specific management decisions. More detailed information on each medium-priority basin and the Groundwater Sustainability Agency-eligible local agencies in each basin is included in Attachment 2.

Education and Outreach to Date:

Following passage of the Act, County and Water Agency staff formed a workgroup consisting of representatives from the Water Agency, Permit and Resource Management Department (PRMD), County Counsel and the County Administrator's Office (Workgroup) to review the Act's requirements and consider governance options. Staff has been meeting with stakeholders to inform them of the new Act's requirements and to discuss collaborative approaches.

Water Agency staff created a Sustainable Groundwater webpage (<http://www.scwa.ca.gov/sgma/>) which includes a PowerPoint presentation and a "frequently asked questions" document specific to Sonoma County. Staff is also maintaining an interested party mailing list (required by the Act) for anyone who wishes to receive

updates on the Act in Sonoma County. PRMD's public website links to these resources on the Water Agency's webpage.

The Workgroup envisions an outreach and communication strategy that includes the following components: presentations to agencies eligible to serve as Groundwater Sustainability Agencies and to stakeholders to inform them of the Act (in progress); an educational workshop aimed at the general public and stakeholders describing the Act and options for the creation of a Groundwater Sustainability Agency; public hearing(s) as required by the Act; ongoing outreach via paid ads, free media, the website and social media; and regular updates to the interested party mailing list. A more formal outreach plan will be developed based on the outcome of the facilitated process recommended below.

Recommended Strategy for Groundwater Sustainability Formation:

Based on experience with the Sonoma Valley and Santa Rosa Plain groundwater planning processes, feedback from stakeholders, including basin-specific meetings with staff from Groundwater Sustainability Agency-eligible local agencies, and discussions with other counties and water districts, the Workgroup recommends engaging in a facilitated process with other Groundwater Sustainability Agency-eligible local agencies to develop Groundwater Sustainability Agency governance options based on the following general principles:

1. Eligible local agencies should work together to identify a unified and equitable approach to governance in which each local agency has a meaningful voice.
2. The governance structure should reinforce the "local management" principles embodied in the Act by ensuring that management decisions are made at the local level in each groundwater basin.
3. While local management is essential, opportunities should be found for sharing resources and management expertise across basins. The governance structure should avoid redundancy and reduce management costs by efficiently using local staff and technical resources and agency infrastructure.
4. Groundwater sustainability planning under the Act should build upon successful water management efforts in Sonoma County, including the adopted groundwater management plans in the Sonoma Valley and Santa Rosa Plain.
5. In addition to the local agencies, community stakeholders should be represented through additional formal governance structures, such as advisory committees, to ensure diverse viewpoints are represented in plan development and implementation.
6. A robust and transparent outreach program should be conducted to provide information to and receive input from private well owners and the general public regarding the Act.

These principles for developing governance options reflect input from staff of the Groundwater Sustainability Agency-eligible local agencies in each affected basin.

As a first step, the Workgroup recommends that the facilitator conduct a stakeholder assessment and, based on this input, develop a recommended collaborative process for Groundwater Sustainability Agency formation. After review by the Act Workgroup and the other Groundwater Sustainable Agency eligible cities and water districts, staff will present the proposed Groundwater Sustainable Agency formation process to the Board of Directors/Board of Supervisors for approval. Staff anticipates the Groundwater Sustainable Agency formation process will be a two-year process with significant opportunities for public input.

Consultant Services and Selection

Stakeholder Assessment: The Water Agency issued a Request for Qualifications on January 15, 2015 for facilitation services to seven firms. Six firms responded, and all were judged qualified for a variety of

facilitation services. The two firms with extensive experience in groundwater issues, plus a familiarity with Sonoma County, Consensus Building Institute, Inc. and the Center for Collaborative Policy, were sent Request for Proposals for Stakeholder Assessment. Both firms responded. Consensus Building Institute, Inc. was selected based on its proposed work plan, project schedule, scope, and the successful history of the principal facilitator with the Sonoma Valley and Santa Rosa Plain basin groundwater management projects. Under the proposed agreement, the consultant will conduct interviews and surveys of Groundwater Sustainability Agency-eligible agencies and stakeholders to identify interests, concerns, opportunities and common ground. Using the data gathered during the interviews and surveys, the consultant will develop findings and recommendations on decision-making criteria and framework for Groundwater Sustainability Agency formation.

The Water Agency and the County will equally share the cost of the stakeholder assessment which will not exceed \$40,000. The term of the agreement will be April 1 through September 30, 2015.

Groundwater Management Planning Assistance: The Water Agency and Pete Parkinson entered into an agreement in June 2014 (not to exceed \$25,000) to provide consulting services to the Water Agency in support of implementing the Water Agency’s groundwater management programs in the Sonoma Valley and the Santa Rosa Plain. Since entering into this original agreement, the Act was passed and the Water Agency now desires to expand the scope of work to include assistance with implementing the Act. Under the proposed amended agreement, primary tasks include:

1. Inform Water Agency staff and stakeholders about land use policies, practices, and opportunities and constraints relevant to groundwater management.
2. Identify and develop options, including potential land use and regulatory strategies, for consideration by stakeholders and Water Agency that are aimed at improving the sustainable management of groundwater resources.
3. Assist in preparing reports, documents and presentation materials associated with groundwater management programs in Sonoma County.
4. Evaluate the impacts of state legislation and policies on Water Agency’s groundwater management programs.
5. Assist Water Agency staff in developing and implementing options for local implementation of Act, including participation in staff working groups, stakeholder meetings and document preparation.

Mr. Parkinson was the only consultant contacted to perform this work because of his skill and expertise in the subject work area and direct professional experience with local stakeholders. The proposed amended agreement adds \$90,000 for a new not to exceed total of \$115,000 and extends the term to June 30, 2017.

Prior Board Actions:

None

Strategic Plan Alignment Goal 3: Invest in the Future

Continued work on groundwater management will benefit the community by increasing water supply reliability, minimizing adverse impacts to groundwater, enhancing local management of groundwater resources, and may lead to future economic opportunities through available state grant funding programs.

Water Agency Water Supply Goals and Strategies, Goal 2: Protect the Water Agency's existing water rights and our clean, high-quality water supply, and improve system resiliency by continuing to develop alternative supplies.

Fiscal Summary - FY 14-15			
Expenditures		Funding Source(s)	
Budgeted Amount	\$ 70,000	Water Agency Gen Fund	\$ 50,000
Add Appropriations Req'd.	\$	State/Federal	\$
	\$	Fees/Other	\$
	\$	Use of Fund Balance	\$
	\$	Contingencies	\$
	\$	County General Fund	\$ 20,000
Total Expenditure	\$ 70,000	Total Sources	\$ 70,000
Narrative Explanation of Fiscal Impacts (If Required):			
Budgeted amount of \$30,000 for consulting services and \$20,000 for facilitation is available from FY 2014/2015 appropriations for the Water Agency's General Fund. An additional \$20,000 for facilitation will be paid from County General Fund. FY 2015/2016 appropriations will be budgeted in that fiscal year.			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
None			
Attachments:			
Map (Attachment 1); List of Agencies (Attachment 2)			
Related Items "On File" with the Clerk of the Board:			
Amended Agreement (4 copies)			