

COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL HEALTH SERVICES DIVISION

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September 18, 2018

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903



SUBJECT: Resolution authorizing the Deputy Director of Environmental Health Services to file an application for a boundary modification of the Sand Point Area Groundwater Basin (2-27) as defined in the California Department of Water Resources Bulletin 118

RECOMMENDATION: Conduct a public hearing and adopt the attached Resolution authorizing the Deputy Director of Environmental Health Services to file an application for a boundary modification of the Sand Point Area Groundwater Basin (2-27) as defined in the California Department of Water Resources Bulletin 118.

SUMMARY:

In 2014, the State passed a three-bill legislative package known as the Sustainable Groundwater Management Act (SGMA) requiring local agencies to prevent overdraft and achieve balanced pumping and recharge in groundwater basins with either a high or medium priority designation. The Department of Water Resources (DWR) classifies California's basins into priorities based on certain datasets and other components identified in the California Water Code.

To achieve this mandate, the legislation calls for a new governance structure to address groundwater through the creation of local Groundwater Sustainability Agencies with the authority to adopt and implement Groundwater Sustainability Plans. (In general, the Plans should demonstrate priority basins reach sustainable levels by 2020.) County governments are presumed to act in the capacity of a Groundwater Sustainability Agency (GSA) for areas with high or medium priority designations that are not located within the boundaries of an existing Agency. Because Marin does not have an existing GSA, the County's Environmental Health Services Division (EHS) has been tracking SGMA administration.

In 2014, DWR classified each of the five significant basins in Marin as low or very low priority, which relieved the County from forming a GSA. However, this past May, the Department of Water Resources released a draft 2018 SGMA Basin Prioritization that proposed reprioritizing the Wilson Grove Formation Highlands (Wilson Grove) Basin in Marin from low to a medium priority. The Wilson Grove Basin covers the community of Tomales and a portion of the Dillon Beach area in northwestern Marin County. As DWR currently define Wilson Grove Basin (1-59) in Bulletin 118, 24% of the basin's land area is in the northwestern portion of Marin County, with the remaining land area in Sonoma County. (See Attachment 1 - Map of Marin Groundwater Basins.) The

boundary modification being recommended by staff does not add or remove any area from a groundwater basin, it merely combines the portion of the Wilson Grove Basin located within Marin into the contiguous Sand Point Area Basin located in the Dillon Beach and Lawson's Landing area. The Sand Point Area Basin is designated low priority, which the State is not recommending be changed in the proposed 2018 Basin Prioritization.

Since the reprioritization, EHS staff has consulted with several water users in Marin and Sonoma Counties while analyzing the best way to sustainably manage the Wilson Grove Basin, including Sonoma County and Sonoma County Water Agency, City of Petaluma, City of Sebastopol, Marin Resources Conservation District, North Marin Water District, Sonoma Resource Conservation District, and the Estero Mutual Water Company. These discussions revealed significant differences in land use, agricultural practices, and the amount of groundwater used in the Marin County portions of the Wilson Grove basin as compared to the portions in Sonoma County. In general, the basin area within Sonoma County includes more water dependent agriculture (vineyards and orchards), larger communities with more population, and therefore creates a greater potential for groundwater pumping. It became apparent that given these distinct differences in land and water uses that a jurisdictional boundary change would be the best way to assure that oversight and protection of the groundwater resources in Marin can best be undertaken. Sustainable groundwater practices would be based on land use and water use specific to Marin land and water use.

The SGMA provides a process for local agencies to request a modification of groundwater basin boundaries. Because of our land and water use jurisdiction, the County qualifies to submit such a request. The deadline for requesting a boundary modification to the DWR is September 28, 2018.

Given the requirements for jurisdictional boundary changes and given the short time frame to submit a request, it was determined that the most appropriate modification would be an internal boundary change to extend the northern boundary of the Sand Point Area Basin to encompass the portion of the Wilson Grove Basin currently in Marin County. The new northern boundary of the Sand Point Area Basin would be the Marin County line. It is anticipated that the newly reconfigured groundwater basin would remain a low priority due to limited agriculture use, low population, and low water usage. If accepted by DWR, the new Wilson Grove Basin would be solely in Sonoma County. (See Exhibit A of the Attached Resolution.)

Concurrently, EHS is the designated groundwater monitoring entity for DWR's California Statewide Groundwater Elevation Monitoring Program (CASGEM) for the groundwater basins within the County. In April 2018, EHS submitted our current CASGEM Plan to DWR. While this plan will be updated if DWR approves the boundary request, the monitoring sites and schedule will remain the same. Well levels will be measured twice-a-year in the newly configured Sand Point Area Basin. Information gathered from our monitoring will provide valuable baseline information to the public, local water users, and the State to help manage the groundwater resources in Marin.

Staff has reached out to other agencies and water users in the current Wilson Grove and Sand Point Area Basins to solicit their comments and support for the boundary modification. (See Letters of Support.) The proposed basin boundary modification would result in a single planning authority over land and water use within the expanded Sand Point Area Basin that would better support sustainable groundwater management in this basin.

FISCAL IMPACT:

No significant financial impacts are expected as a result of the proposed action other than staff time to submit the application and coordinate with other agencies within the existing Wilson Grove and Sand Point Area Basins. The ongoing groundwater monitoring program is being funded from the current Community Development Agency budget. Staff does not anticipate a future budget impact over existing SMGA costs if the County's application is approved and the newly configured Sand Point Area Basin retains a low priority designation. If the County's application request is denied by DWR, staff will consult with Sonoma County regarding cost effective means of SMGA compliance for the Wilson Grove Basin. Potential budget impacts will be vetted with the County Administrator's office and addressed through the County budget process.

REVIEWED BY:

- | | |
|--|------------------------------|
| <input type="checkbox"/> Department of Finance | <input type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> N/A |

SIGNATURE:


 Rebecca Ng
 Deputy Director
 Environmental Health Services


 Brian C. Crawford
 Agency Director
 Community Development Agency

- Attachments:**
1. Existing Groundwater Basins
 2. Resolution with Exhibit A
 3. Letters of Support:
 - North Marin Water District
 - County of Sonoma and Sonoma County Water Agency
 - City of Petaluma

County of Marin Groundwater Basins (DWR Bulletin 118)



RESOLUTION NO. 2018-97
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE DEPUTY DIRECTOR OF ENVIRONMENTAL HEALTH SERVICES TO
FILE AN APPLICATION FOR BOUNDARY MODIFICATION OF SAND POINT AREA
GROUNDWATER BASIN (2-27) AS DEFINED IN THE CALIFORNIA DEPARTMENT OF
WATER RESOURCES BULLETIN 118

WHEREAS, Governor Brown signed into law Senate Bill 1168 and 1319 and Assembly Bill 1739, collectively comprising the Sustainability Groundwater Act (SGMA), which took effect on January 1, 2015; and

WHEREAS, the SGMA requires all high and medium priority basins as designated by the California Department of Water Resources (DWR) to undergo a process leading to sustainable management through formation and operation of Groundwater Sustainability Agencies (GSAs). DWR classifies and prioritizes California's basins into priorities based on certain datasets and other components identified in the California Water Code. The priority level of basins determines whether certain SGMA provisions apply in any given basin; and

WHEREAS, Section 10722.2 of the California Water Code, part of SGMA, provides that local agencies may request that the DWR revise the boundaries of a groundwater basin, and requires that DWR adopt regulations specifying the criteria to be used to evaluate proposed groundwater basin boundary revisions; and

WHEREAS, the Department of Water Resources (DWR) has promulgated regulations in California Code of Regulations Title 23, Division 2., Chapter 1.5, Subchapter 1, entitled Groundwater Basin Boundaries, Articles 1-7 (referred to as the Boundary Modification Regulations) that specify the processes by which a local agency may request a modification of groundwater basin boundaries as described in DWR Bulletin 118; and

WHEREAS, in accordance with Section 343.2 of the Boundary Modification Regulations, a request for a boundary modification may be initiated by a local agency whose jurisdictional area lies within or borders an existing or proposed basin or sub basin for which boundary modification is sought; and

WHEREAS, the Marin County Division of Environmental Health Services is a local monitoring entity for the California Statewide Groundwater Elevation Monitoring Program for the groundwater basins within the County of Marin. This authority is exercised pursuant to Water Code Section 10927 (f) for a county that is not managing all or a part of a groundwater basin or sub-basin pursuant to a legally enforceable groundwater management plan; and

WHEREAS, the County of Marin was formed in 1850 with the power to regulate land use and oversight of water use throughout the unincorporated portions of the County pursuant to Marin County Code Title 22, 22I, and 24; and

WHEREAS, the Marin Countywide Plan is based on principles of planning sustainable communities. The Countywide Plan calls for establishing a groundwater monitoring program for the County area and supports water (surface and groundwater) conservation efforts, including assisting the conservation efforts of water districts; and

WHEREAS, based on the above authorities, the County of Marin is authorized to request a boundary modification in accordance with SGMA and Section 343.2 of the Boundary Modification Regulations; and

WHEREAS, the Sand Point Area Basin, basin number 2-27 in DWR Bulletin No. 118, is currently designated by DWR as very low priority; and

WHEREAS, the Wilson Grove Formation Highlands (Wilson Grove) Groundwater Basin, basin number 1-59 in DWR Bulletin No. 118, is a hydrogeographic and jurisdictionally diverse basin in northern Marin and southern Sonoma Counties. The agricultural and public water uses in the Marin County portion of the basin are very different from Sonoma County. The land area of the Marin County portion of the Wilson Grove Basin is 24% of entire basin, and the total Marin groundwater use is estimated to be 4-14.6% of the overall groundwater use in the basin. This basin is currently designated by DWR as very low priority and is proposed to be re-designated as medium priority; and

WHEREAS, the current boundary between the Sand Point Area Basin and the Wilson Grove Basin is not based on watershed boundary or jurisdiction. The Coastal Springs - Cal Water Service straddles the current basin boundary line; and

WHEREAS, an internal boundary modification is proposed to extend the northern boundary of the Sand Point Area Basin to include that portion of the Wilson Grove Basin currently in Marin County. The new northern boundary of the Sand Point Area Basin would be the Marin County line. The Sand Point Area Basin boundary modification is further described in the attached map and made a part of this resolution as Exhibit A. The remaining Wilson Grove Basin would be located entirely within Sonoma County; and

WHEREAS, County staff are aware of no hydrologic or sustainable groundwater management reason why the Sand Point Area Basin and that portion of Marin County within the current Wilson Grove Basin should not be located in a single basin. The north, northwest trending San Andreas Fault runs through Tomales Bay and does not separates the two basins; and

WHEREAS, modification of the Sand Point Area Basin boundary as described in Exhibit A would promote sustainable groundwater management within Marin County by focusing on the land use and groundwater water resources, needs, and management practices pertinent to Marin users; and

WHEREAS, pursuant to Section 344.8 of the DWR Boundary Modification Regulations, County staff communicated with affected agencies and affect systems within the basin to provide notice of the potential boundary modification request, and to provide an opportunity for such entities to support or oppose a boundary modification; and

WHEREAS, Section 344.18 of the Boundary Modification Regulations requires the requesting agency to satisfy requirements of the California Environmental Quality Act (CEQA), including, if necessary, information to enable the DWR to satisfy the requirements of a responsible agency; and

WHEREAS, the proposed modification of the Sand Point Area Basin boundary is not a Project as defined by CEQA in accordance with Section 15378(b)(5) of the CEQA Guidelines because the proposed boundary modification consists of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and

NOW, THEREFORE, BE IT RESOLVED that the proposed modification of the Sand Point Area Basin boundary is not a CEQA project in accordance with Section 15378(b)(5) of the CEQA Guidelines because the proposed boundary modification consists of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

BE IT FURTHER RESOLVED that the Deputy Director of Environmental Health Services, or his/her designee, is hereby authorized and directed to file an application for a modification of the California Department of Water Resources Bulletin 118 defined Sand Point Basin boundary based on the jurisdiction of the County of Marin in accordance with all applicable requirements of the Boundary Modification Regulations and other applicable laws and regulations.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 18th day of September 2018, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Katie Rice, Judy Arnold, Kathrin Sears,
Damon Connolly

NOES: NONE

ABSENT: NONE

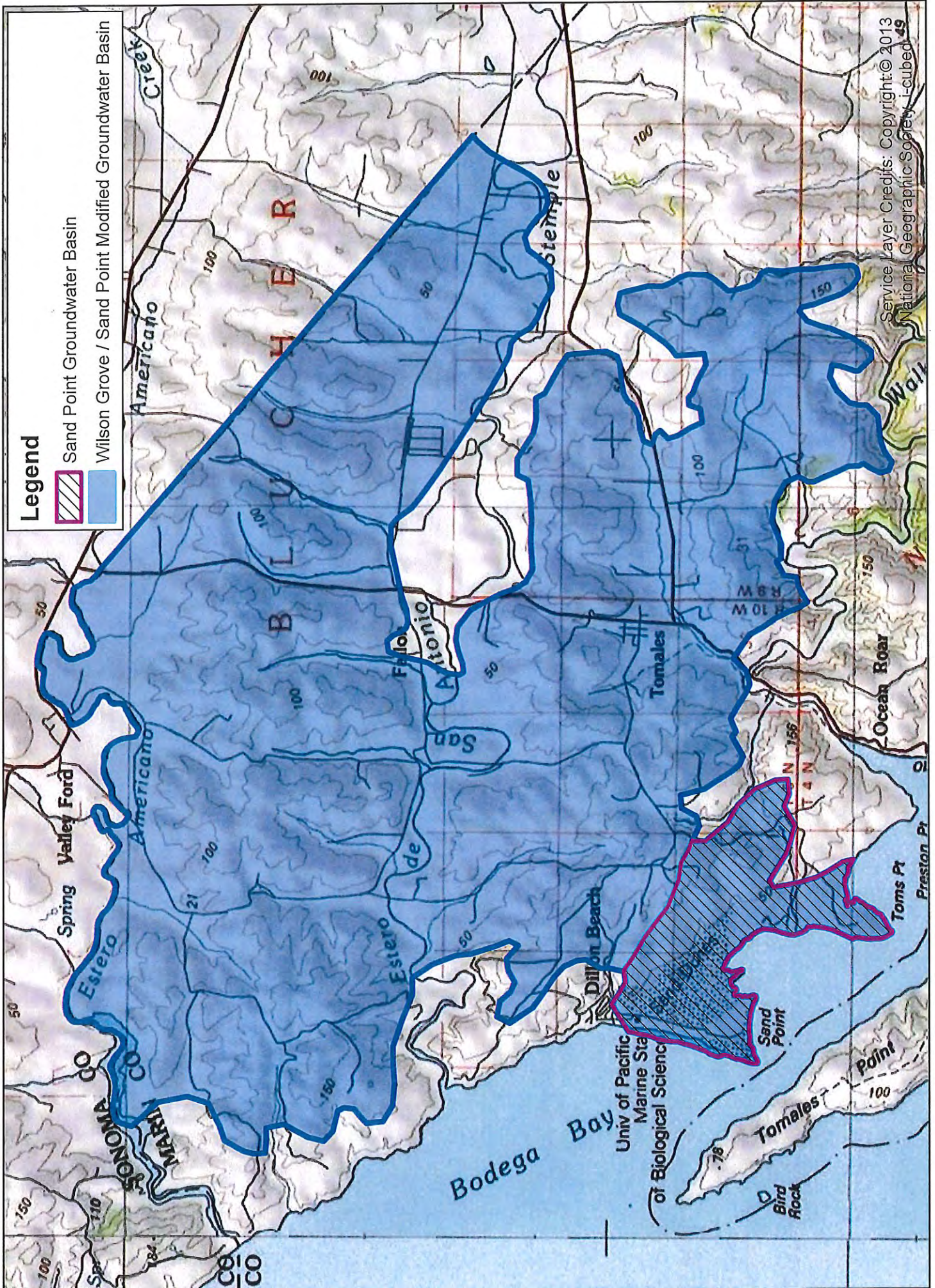


PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



DEPUTY CLERK



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Exhibit A
Proposed Boundary Modification