

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 3/22/2016	(3) CONTACT/PHONE Catherine Martin, Water Resources Engineer (805) 781-5275	
(4) SUBJECT Submittal of a resolution of support for the County of San Luis Obispo's pursuit of boundary modifications for the Los Osos Valley Groundwater Basin. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District), adopt the attached resolution of support for the Los Osos Valley Groundwater Basin boundary modification request by the County of San Luis Obispo to the California Department of Water Resources (DWR).			
(6) FUNDING SOURCE(S) San Luis Obispo Flood Control and Water Conservation District Fund 1300000000	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input checked="" type="checkbox"/> Board Business (Time Est. <u>5 min</u> )			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: 1/5/16 #14	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 2			

Reference:    16MAR22-BB-2

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Catherine Martin, Water Resources Engineer

Carolyn K. Berg, Senior Water Resources Engineer

VIA: Courtney Howard, Water Resources Division Manager

Mark Hutchinson, Deputy Director of Public Works

DATE: 3/22/2016

SUBJECT: Submittal of a resolution of support for the County of San Luis Obispo's pursuit of boundary modifications for the Los Osos Valley Groundwater Basin. District 2.

### **RECOMMENDATION**

It is recommended that the Board, acting as the Board of Supervisors for the San Luis Obispo County Flood Control and Water Conservation District (District), adopt the attached resolution of support for the Los Osos Valley Groundwater Basin boundary modification request by the County of San Luis Obispo to the California Department of Water Resources (DWR).

### **DISCUSSION**

The Sustainable Groundwater Management Act (Water Code §§ 10720 et seq.) (SGMA) took effect on January 1, 2015. SGMA provides new authorities to local agencies with water supply, water management or land use responsibilities and requires various actions be taken in order to achieve sustainable groundwater management in high and medium priority groundwater basins. Based on the 2014 Final Basin Prioritization by DWR, there are five high and medium priority groundwater basins located in whole or in part within San Luis Obispo County: Paso Robles (high), Santa Maria (high), Los Osos (high), San Luis Obispo (Edna) Valley (medium), and Cuyama Valley (medium).

On January 13, 2015, your Board adopted the SGMA Strategy and directed staff to implement the policy. The strategy provides that those basins designated by DWR as high and medium priority, including the Los Osos Basin, receive the first priority for the resources necessary to meet statutory deadlines.

### ***DWR Bulletin 118 Basin Boundary Modification Process***

Among SGMA's first statutory deadlines is the deadline for DWR to update its Bulletin 118 Report and modify basin boundaries as needed to reflect DWR-approved scientific and jurisdictional information. DWR's Bulletin 118 Report maintains an inventory of the State's groundwater basins (and related basin boundaries) and was last updated in 2003. On October 21, 2015, DWR adopted regulations relating to basin boundary modification processes, consistent with SGMA (DWR Boundary

Regulations). The DWR Boundary Regulations detail the required processes that a local agency must follow prior to requesting that DWR make modifications to a basin boundary based on updated scientific and/or jurisdictional information, including a requirement that a Requesting Agency<sup>1</sup> consider Affected Agency input.<sup>2</sup>

### ***Los Osos Groundwater Basin Management and Related Boundary***

On October 14, 2015, Judge Martin J. Tangeman of the San Luis Obispo Superior Court signed an order approving the Stipulated Judgment and the Updated Basin Management Plan for the Los Osos Groundwater Basin (Basin Plan). Based on the best available science at the time, the Basin Plan defined a different boundary than DWR's Bulletin 118 boundary. SGMA includes a provision that provides that SGMA does not apply to the portion of the Los Osos basin that is at issue in the litigation provided that certain requirements are met. Therefore aligning the DWR Bulletin 118 and Basin Plan area boundaries will be important.

Los Osos Groundwater Basin local agencies have an opportunity to request a modification to the Bulletin 118 boundary with current scientific data. On December 14, 2015, the Los Osos Basin Management Committee took action to request that the County submit a notice of intent to explore a basin boundary modification for the Los Osos Valley Groundwater Basin. On January 5, 2016, the County Board directed staff to submit an initial notification of intent to explore a boundary modification for the Los Osos Valley Groundwater Basin to DWR<sup>3</sup>, and to coordinate with basin users to develop a boundary modification request in accordance with the DWR Boundary Regulations. On January 12, 2016, County staff submitted the initial notification to DWR.

The County contracted with Cleath-Harris Geologists Inc. to develop a technical memorandum with the necessary justification, as required by the DWR Boundary Regulations, to support a potential scientific boundary modification request. The following is an overview statement of the proposed scientific external boundary modification request (see Attachment 2):

*The proposed Los Osos Valley groundwater basin is bounded on the north by Park Ridge, on the south by the Irish Hills, on the west by the Pacific Ocean, and on the east by Warden Lake. In general hydrogeologic terms, the proposed lateral basin boundary is the onshore extent of the contiguous area overlying the principal aquifers, with at least one pre-Holocene aquifer present. The proposed bottom of the basin is the base of permeable sediments, which is defined by the contiguous base of the stacked principal aquifers within the lateral basin boundary.*

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<sup>1</sup> Code of Regulations 341 Definitions (c) "Affected agency" means a local agency, as defined in Water Code Section 10721(m), whose jurisdictional area would, as a result of a boundary modification, include more, fewer, or different basins or sub-basins than without the modification; (v) "Requesting agency" means the local agency that requests a boundary modification as authorized by Water Code Section 10722.2.

<sup>2</sup> Code of Regulations 344.8 Local Agency Input (b) Any affected agency or affected system that elects to support or oppose the proposed boundary modification shall provide the requesting agency with one of the following: (1) A copy of a resolution formally adopted by the decision-making body of the affected agency or affected system. (2) A letter signed by an executive officer or other official with appropriate delegated authority who represents the affected agency or affected system.

<sup>3</sup> Code of Regulations §343.9 (a) Within 15 days of a local agency's decision to explore boundary modification, the relevant local agency shall notify the Department by written notice of its interest in exploring a boundary modification and make general information about its process publicly available by posting relevant information to the local agency's Internet Web site or by other suitable means. The initial notification shall include a brief description and preliminary map of the proposed boundary modification.

County Staff recommends that DWR consider this scientific external modification request, with exceptions noted within the context of the boundaries consistent with the final court order.

The attached map shows the County's proposed basin boundary modification in relation to the DWR Bulletin 118 boundary.

The County, as the Requesting Agency, has conducted notice and consultation efforts consistent with the DWR Boundary Regulations<sup>4</sup>, including providing notice to each agency with planning or management responsibilities in the basin. The County is seeking comments and formal resolutions in support or opposition of a basin boundary modification.

The proposed boundary modification request is supported by the best available scientific data, within the context of the boundaries consistent with the final court order. Additionally, the County engaged basin users in review of the technical memorandum describing the proposed boundary modification. Today, the County Board will consider whether to formally initiate and submit the boundary modification request to DWR. Staff recommends that the District Board approve the attached resolution expressing support for the County's proposed Los Osos Basin boundary modification request to DWR.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel is providing legal guidance on all aspects of the County's participation in the implementation of the Basin Plan and Stipulated Judgment.

Three other local water purveyors are involved: Golden State Water Company, Los Osos Community Services District, and S&T Mutual Water Company. On February 17, 2016, the Los Osos Basin management (comprised of these three purveyors and the County) took action to support the proposed boundary modification request.

This administrative process to request basin boundary modifications is established by DWR.

#### **FINANCIAL CONSIDERATIONS**

Costs associated with submittal of resolutions of support and engagement with Basin users are within the Flood Control District's FY 2015-16 budget.

#### **RESULTS**

Approval of the recommended action will support the County, as the Requesting Agency, in its pursuit of boundary modifications to refine the DWR Bulletin 118 basin boundary based on the best available scientific data; and the boundaries consistent with the final court order. This will provide direction to County staff, thereby contributing to a well governed community.

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<sup>4</sup> Code of Regulations §344.4 Each request for boundary modification shall include information demonstrating that the requesting agency consulted with affected agencies and affected systems including, but not limited to, the following:... (c) Information regarding the nature of consultation, including copies of correspondence with affected agencies and affected systems and any other persons or entities consulted, as appropriate. (d) A summary of all public meetings at which the proposed boundary modification was discussed or considered by the requesting agency, including copies of any meeting agendas or minutes, if prepared, and any notices published. (e) A copy of all comments regarding the proposed boundary modification received by the requesting agency and a summary of any responses made by the requesting agency.

## **ATTACHMENTS**

1. Proposed Los Osos Groundwater Basin Boundary Modification Map
2. Boundary Modification Request Package
3. California Code of Regulations - Basin Boundary Regulations
4. Los Osos Groundwater Basin Boundary Comparison Map
5. Resolution of support for Los Osos Valley Groundwater Basin Boundary Modification Request by the County of San Luis Obispo to the California Department of Water Resources

File: CF 340.300.01 Sustainable Groundwater Management Act (SGMA)

Reference: 16MAR22-BB-2

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