

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 5, 2020

RESOLUTION NO. _____

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS AUTHORIZING FORMATION OF THE HUMBOLDT COUNTY GROUNDWATER SUSTAINABILITY AGENCY FOR THE EEL RIVER VALLEY GROUNDWATER BASIN

WHEREAS, the California Legislature adopted, and the Governor signed into law, the Sustainable Groundwater Management Act of 2014 (“SGMA”); and

WHEREAS, the legislative intent of SGMA includes providing for sustainable management of groundwater basins, enhancing local management of groundwater consistent with rights to use or store groundwater, establishing minimum standards for sustainable groundwater management and providing local groundwater agencies with the authority and technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, in order to exercise the authority granted in SGMA, a local agency, or a combination of local agencies, overlying a groundwater basin may decide to form a Groundwater Sustainability Agency (“GSA”) for the local management of groundwater; and

WHEREAS, the County of Humboldt (“County”) is a local agency, as that term is defined under SGMA, which overlies the Eel River Valley groundwater basin (basin number 1-10); and

WHEREAS, on January 1, 2015, the California Department of Water Resources (“DWR”) designated the Eel River Valley groundwater basin as a medium-priority basin; and

WHEREAS, on October 6, 2015, the Humboldt County Board of Supervisors (“Board”) approved the formation of an Eel River Valley Groundwater Working Group consisting of stakeholders representing agricultural, municipal and environmental interests to provide input regarding the local response to DWR’s designation of the Eel River Valley groundwater basin as a medium-priority basin; and

WHEREAS, DWR authorized local agencies to submit a Groundwater Sustainability Plan (“GSP”) Alternative by January 1, 2017, if the GSP Alternative demonstrates that the basin has operated within its sustainable yield over a period of ten (10) years and contains the functional equivalent of a GSP; and

WHEREAS, on December 13, 2016, the Board approved Resolution No. 16-142 authorizing the Humboldt County Department of Public Works (“Public Works”) to submit a GSP Alternative for the Eel River Valley groundwater basin; and

WHEREAS, County deferred on formation of a GSA in 2016 because a GSP Alternative could be submitted by a local agency without forming a GSA; and

WHEREAS, on December 31, 2016, Public Works submitted a GSP Alternative for the Eel River Valley groundwater basin to DWR for review and approval; and

WHEREAS, Public Works performed annual monitoring and reporting activities for the Eel River Valley groundwater basin following submittal of the GSP Alternative; and

WHEREAS, in 2018 SGMA Basin Prioritization process, DWR renewed its designation of the Eel River Valley groundwater basin as a medium-priority basin; and

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WHEREAS, on July 17, 2019, DWR issued a notification letter and staff report stating that DWR intended to disapprove the GSP Alternative for the Eel River Valley groundwater basin because the GSP Alternative did not contain all the required elements and did not provide sufficient evidence that the requirements for sustainable groundwater management had been performed for a ten (10) year period; and

WHEREAS, on September 30, 2019, the County submitted a comment letter regarding DWR's review of the GSP Alternative for the Eel River Valley groundwater basin; and

WHEREAS, SGMA requires that all medium-priority basins have an adopted GSP no later than January 31, 2022, if a GSP Alternative has not been approved; and

WHEREAS, on November 12, 2019, the Board approved Resolution No. 19-111 which committed the County to work collaboratively with water uses and stakeholders to form a GSA for the Eel River Valley groundwater basin and authorized Public Works to apply for a Sustainable Groundwater Management Planning Grant for the development of a GSP; and

WHEREAS, on November 13, 2019, DWR issued a notification letter and staff report stating that the GSP Alternative for the Eel River Valley groundwater basin was disapproved for the reasons stated in its notification letter dated July 17, 2019; and

WHEREAS, on March 5, 2020, there was unanimous consent among attendees of the Eel River Valley Groundwater Working Group for the County to become the GSA for the Eel River Valley groundwater basin, and for the Board to form a Groundwater Resources Advisory Committee that would advise the Board on groundwater matters in the Eel River Valley and provide guidance and assistance to Public Works in developing the GSP; and

WHEREAS, on March 13, 2020, DWR issued an award notification to Humboldt County for the aforementioned grant application for funds to develop a GSP; and

WHEREAS, Sections 10723.8 and 10724 of SGMA require that a local agency deciding to be a GSA must notify DWR of its decision and intention to undertake sustainable groundwater management within the agency's jurisdictional boundary; and

WHEREAS, Section 10724 of SGMA provides that in the event that there is an area within a high- or medium-priority basin that is not within the management area of a GSA, the county within which that unmanaged area lies will be presumed to be the GSA for that area, unless the county declines its presumptive role as the GSA; and

WHEREAS, as of the time of consideration of this resolution, no other local agency has provided notice to DWR of the formation, or intent to form, a GSA for the Eel River Valley groundwater basin; and

WHEREAS, on May 5, 2020, after publication of notice as required by California Government Code Section 6066, the County held a public hearing regarding formation of the Humboldt County Groundwater Sustainability Agency for the Eel River Valley groundwater basin; and

WHEREAS, pursuant to Sections 15306, 15307 and 15308 of Title 14 of the California Code of Regulations, adoption of this resolution is exempt from the California Environmental Quality Act as information collection actions which do not result in a serious or major disturbance to an environmental resource, actions taken by regulatory agencies for protection of natural resources and actions taken by regulatory agencies for protection of the environment.

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NOW, THEREFORE, THE HUMBOLDT COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES AS FOLLOWS:

1. The Humboldt County Board of Supervisors hereby finds that the facts set forth in the recitals to this resolution are true and correct and establish the factual basis for adoption of this resolution.
2. The Humboldt County Board of Supervisors hereby authorizes formation of the Humboldt County Groundwater Sustainability Agency for the Eel River Valley groundwater basin.
3. The Humboldt County Board of Supervisors hereby directs the Humboldt County Department of Public Works to notify the California Department of Water Resources of its intent to manage groundwater within the boundaries of the Humboldt County Groundwater Sustainability Agency for the Eel River Valley groundwater basin as shown in the attached Exhibit A.
4. The Humboldt County Board of Supervisors hereby directs the Humboldt County Department of Public Works to inform the California Department of Water Resources of its decision to form the Humboldt County Groundwater Sustainability Agency for the Eel River Valley groundwater basin and to take such other and further steps as necessary to comply with the Sustainable Groundwater Management Act of 2014.
5. The Humboldt County Board of Supervisors hereby directs the Humboldt County Department of Public Works to return with proposed bylaws for the Humboldt County Groundwater Sustainability Agency for the Eel River Valley groundwater basin, including the structure for a Groundwater Resources Advisory Committee.
6. This resolution shall take effect immediately upon its adoption.

Dated: May 5, 2020

Estelle Fennell, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

STATE OF CALIFORNIA
County of Humboldt

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of said
Board of Supervisors.

KATHY HAYES

Clerk of the Board of Supervisors of the
County of Humboldt, State of California