

RESOLUTION NO. 16-075

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
AUTHORIZING THE SUBMITTAL OF AN ALTERNATIVE TO A
GROUNDWATER SUSTAINABILITY PLAN FOR NILES CONE SUBBASIN
2-09.01 AND DECLARING THIS ACTION EXEMPT FROM CEQA

WHEREAS, the Alameda County Water District (District) was formed in 1914 as the first county water district created under the County Water District Law (California Water Code Section 30000 et seq.) for the purpose of protecting the water in, and managing, the Niles Cone Subbasin 2-09.01 (Niles Cone Groundwater Basin);

WHEREAS, as early as 1920, the District began to impound winter flows in Alameda Creek to increase groundwater recharge within the Niles Cone Groundwater Basin;

WHEREAS, since 1962, when supplemental water was first purchased, the District has been engaged in a continuous water replenishment/recharge program in order to sustainably manage the quality and quantity of water in the Niles Cone Groundwater Basin;

WHEREAS, the Niles Cone Groundwater Basin is a critical water system component for the District because it provides a reliable supply of water as well as an emergency source of supply, and it provides reserve storage to augment dry year supplies;

WHEREAS, the District manages the Niles Cone Groundwater Basin pursuant to its statutory authority under the County Water District Law, the Replenishment Assessment Act of the Alameda County Water District (Chapter 1942 of the Statutes of 1961, as amended in 1970 and 1974), the Alameda County Water District Groundwater Protection Act (Water Code Section 31142.20 et seq.), as well as agreements with the cities of Fremont, Union City, Newark, and Hayward (in the context of the detachment of certain areas where the District expressly retained authority to manage the Niles Cone Groundwater Basin);

WHEREAS, the Sustainable Groundwater Management Act (SGMA), specifically California Water Code Section 10723(c), identifies the District as an agency created by statute to manage groundwater that is deemed the exclusive local agency within its statutory boundaries with powers to comply with SGMA;

WHEREAS, pursuant to Resolution No. 16-069, the District decided to become the Groundwater Sustainability Agency for Niles Cone Subbasin 2-09.01;

WHEREAS, SGMA and its implementing regulations authorize the District to submit an alternative to a groundwater sustainability plan to the Department of Water Resources that satisfies the objectives of SGMA and identifies three separate bases for submitting such an alternative;

WHEREAS, the District satisfies two of the three bases for submitting an alternative, specifically (1) the District has in place a plan developed pursuant to laws authorizing groundwater management - the County Water District Law (California Water Code Sections 30000 et seq.) and the Replenishment Assessment Act of the Alameda County Water District (Chapter 1942 of the Statutes of 1961, as amended in 1970 and 1974); and (2) the District has an analysis of basin conditions that demonstrates that the Niles Cone Subbasin 2-09.01 has operated within its sustainable yield over a period of at least 10 years;

WHEREAS, on November 22, 2016, the District sent letters to all interested parties regarding the consideration of submitting an alternative to a groundwater sustainability plan for Niles Cone Subbasin 2-09.01;

WHEREAS the District's submittal of an alternative to a groundwater sustainability plan preserves and continues the successful sustainable groundwater management of Niles Cone Subbasin 2-09.01 that already is being performed by the District under its preexisting legal authority;

WHEREAS, the decision to submit an alternative to a groundwater sustainability plan is exempt from the California Environmental Quality Act (CEQA) because it is not a project under CEQA (Pub. Res. Code § 21065), and, even assuming that it constitutes a project, it would be exempt because it would not change existing groundwater management authority or uses and would not result in a change in management of groundwater resources, and there is no possibility that submitting such an alternative will have a significant effect on the environment (14 CCR §§ 15061(b)(3), 15378(a), and 15378(b)(5)); and

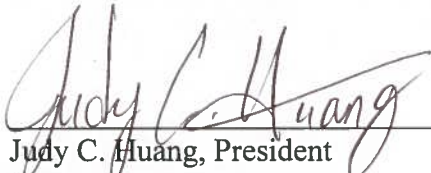
WHEREAS, the submittal of an alternative to a groundwater sustainability plan also is expressly exempt from CEQA pursuant to California Water Code Section 10728.6, and is categorically exempt from CEQA pursuant to Sections 15307 and 15308 of the CEQA Guidelines as an action taken by a regulatory agency as authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource or protection of the environment where the regulatory process involves procedures for the protection of the environment.

NOW, THEREFORE, BE IT RESOLVED that District staff is authorized to submit an alternative to a groundwater sustainability plan for Niles Cone Subbasin 2-09.01 based on the reasons set forth in this Resolution and in the staff report (which is incorporated into this Resolution by this reference) to the California Department of Water Resources (DWR), and to take all actions necessary for seeking DWR approval of the alternative submittal; and

BE IT FURTHER RESOLVED that the Board of Directors finds that the submittal of an alternative to a groundwater sustainability plan is not a project under CEQA, or alternatively is exempt from CEQA and authorizes the filing of a Notice of Exemption.

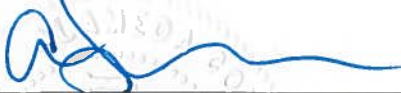
PASSED AND ADOPTED THIS 8th day of December, 2016, by the following vote:

AYES: Directors Weed, Akbari, Gunther, Sethy, and Huang
NOES: None
ABSENT: None




Judy C. Huang, President
Board of Directors
Alameda County Water District

ATTEST:



Andrew Warren, Assistant District Secretary
Alameda County Water District
(Seal)



Patrick T. Miyaki, General Counsel
Alameda County Water District