

RESOLUTION NO. 16-069

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
DECIDING TO BECOME THE GROUNDWATER SUSTAINABILITY
AGENCY FOR NILES CONE GROUNDWATER BASIN (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 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 facility 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, Newark, Union City, and Hayward (in the context of the detachment of certain areas where the District expressly retained groundwater management authority as acknowledged through agreements, resolutions, and Hayward's Municipal Code);

WHEREAS, the Sustainable Groundwater Management Act (SGMA), specifically California Water Code Section 10723, 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, the District's groundwater statutory service area boundary is shown on the GSA Formation Map for the Niles Cone Subbasin 2-09.01 (GSA Formation Map), which is attached to this resolution and incorporated by this reference;

WHEREAS, the Niles Cone Groundwater Basin has been deemed to be a medium priority basin and medium priority basins must develop and implement a Groundwater Sustainability Plan or an Alternative Plan;

WHEREAS, establishing the District as a Groundwater Sustainability Agency will enable the District to prepare and implement either a Groundwater Sustainability Plan or an Alternative Plan for the Niles Cone Groundwater Basin;

WHEREAS, on October 13, 2016, the Board set November 10, 2016, at 6:00 p.m. as the date and time for the public hearing for the Board to consider becoming the Groundwater Sustainability Agency for the Niles Cone Groundwater Basin;

WHEREAS, the District published notices of the public hearing on October 18 and 25, 2016, in the *Tri-City Voice* and on October 21 and 28, 2016, in *The Argus*, posted the notice on the District's website on October 17, 2016, and sent the notice of public hearing to interested parties on October 14, 2016;

WHEREAS, on November 10, 2016, the District held a public hearing regarding the adoption of a resolution to decide to become the Groundwater Sustainability Agency for the Niles Cone Groundwater Basin, and considered all comments submitted prior to the conclusion of the public hearing;

WHEREAS, the decision to become a Groundwater Sustainability Agency is exempt from the California Environmental Quality Act (CEQA) because it is not a project under CEQA,

and, even assuming that the decision to become a Groundwater Sustainability Agency constitutes a project, it would be exempt because it continues existing uses which do not result in a change in management of groundwater resources, and there is no possibility that becoming a Groundwater Sustainability Agency will have a significant effect on the environment. (Pub. Res. Code §21065, 14 CCR §§ 15061(b)(3), 15378(a), 15378(b)(5));

WHEREAS, the decision to become a Groundwater Sustainability Agency also 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; and

WHEREAS, the decision to become a Groundwater Sustainability Agency also is categorically exempt from CEQA pursuant to Section 15320 of the CEQA Guidelines as an organization or reorganization of the District where the changes do not change the geographical area in which the District previously exercised existing groundwater management authority.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF DIRECTORS of the ALAMEDA COUNTY WATER DISTRICT has decided to become the Groundwater Sustainability Agency for the Niles Cone Subbasin 2-09.01 within the District's groundwater statutory service area as shown on the GSA Formation Map; and

BE IT FURTHER RESOLVED that District staff is authorized to provide a copy of this resolution to the California Department of Water Resources (DWR), to inform DWR of this decision in compliance with California Water Code Section 10723.8, and to take all actions necessary for the District to become the Groundwater Sustainability Agency for the Niles Cone Subbasin 2-09.01; and

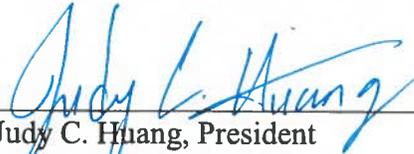
BE IT FURTHER RESOLVED that the Board of Directors finds that the decision to become a Groundwater Sustainability Agency is not a project under CEQA, or alternatively is exempt from CEQA and authorizes the filing of a Notice of Exemption.

PASSED AND ADOPTED this 10th day of November, 2016, by the following vote:

AYES: Directors Weed, Gunther, Koller, Sethy, and Huang

NOES: None

ABSENT: None



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

ATTEST:

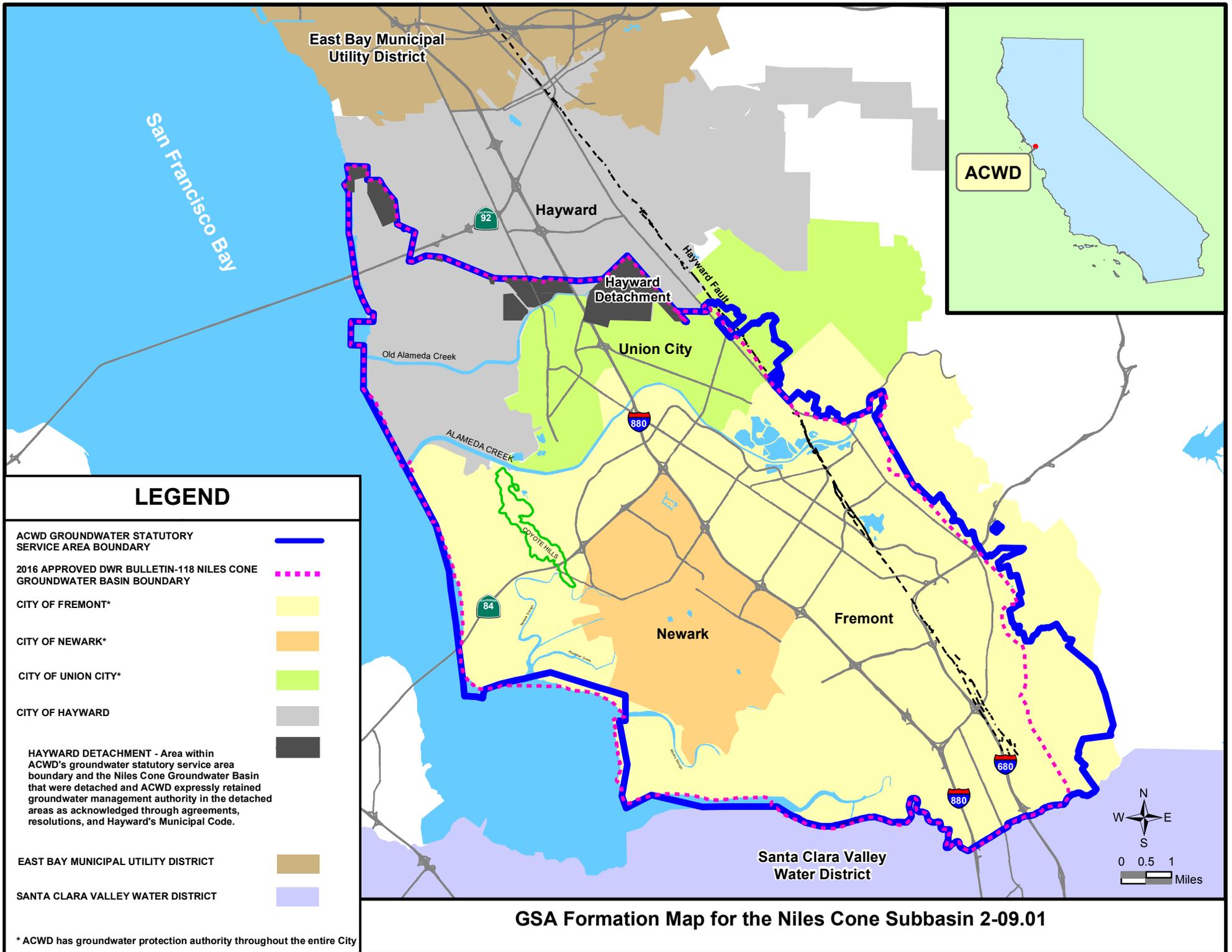


Gina Markou, District Secretary
Alameda County Water District
(Seal)

APPROVED AS TO FORM:



Patrick T. Miyaki, General Counsel
Alameda County Water District



LEGEND

- ACWD GROUNDWATER STATUTORY SERVICE AREA BOUNDARY —■—
- 2016 APPROVED DWR BULLETIN-118 NILES CONE GROUNDWATER BASIN BOUNDARY - - -
- CITY OF FREMONT* ■
- CITY OF NEWARK* ■
- CITY OF UNION CITY* ■
- CITY OF HAYWARD ■
- HAYWARD DETACHMENT - Area within ACWD's groundwater statutory service area boundary and the Niles Cone Groundwater Basin that were detached and ACWD expressly retained groundwater management authority in the detached areas as acknowledged through agreements, resolutions, and Hayward's Municipal Code. ■
- EAST BAY MUNICIPAL UTILITY DISTRICT ■
- SANTA CLARA VALLEY WATER DISTRICT ■

* ACWD has groundwater protection authority throughout the entire City

GSA Formation Map for the Niles Cone Subbasin 2-09.01