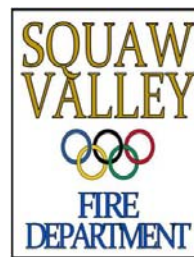




SQUAW VALLEY PUBLIC SERVICE DISTRICT



Olympic Valley Groundwater Management Plan – Aquifer Recharge Mapping

DATE: January 27, 2015

TO: District Board Members

FROM: Mike Geary, General Manager

SUBJECT: Aquifer Recharge Mapping – Informational Only

BACKGROUND: The District completed the *Olympic Valley Groundwater Management Plan* (OVGMP) in May, 2007 and approved Ordinance 2007-02 adopting it. The first two paragraphs in the first section of the OVGMP (*Introduction and Purpose*) reads:

The Groundwater Management Act found in the California Water Code (CWC) §10753 et seq, enacted as Assembly Bill (AB) 3030 in 1992, encouraged local public agencies to adopt formal plans to manage groundwater resources within their jurisdictions. In September 2002, Senate Bill (SB) 1938 was signed into law amending sections of the Water Code related to groundwater management. SB 1938 requires any public agency seeking State funds administered through the California Department of Water Resources (DWR) for groundwater related activities to prepare and implement a groundwater management plan (GMP) with certain specified components. Additionally, SB 1938 sets forth specific requirements for GMPs. New requirements include establishing Basin Management Objectives (BMOs), preparing a plan to involve other local agencies in a cooperative planning effort, and adopting monitoring protocols that promote efficient and effective groundwater management.

In accordance with AB 3030 and SB 1938, the Squaw Valley Public Service District (SVPSD) developed this GMP. This plan was developed in coordination with input from a Stakeholders group that included representatives from other groundwater users, environmental advocates, regulatory agencies, and the general public. The plan has been prepared with assistance from the consulting firm of HydroMetrics, LLC.

In 2011, Assembly Bill 359 (AB 359) was passed and went into effect Jan. 1, 2013; it is known as the “Groundwater Recharge Area Mapping Bill”. It requires new Groundwater Management Plans and any updates to existing plans in California to provide a description of how recharge areas identified in the plan substantially contribute to the replenishment of the groundwater basin and requires a map identifying the recharge areas in order to meet state funding requirements. It also requires the local agency to provide the map of the recharge areas to local planning agencies and notify DWR and other interested persons when a map is submitted to those local planning agencies.

The District completed the *Olympic Valley Creek / Aquifer Interaction Study* in November, 2014. The study advised that per AB 359, the District should, “map and protect the primary groundwater recharge zones” and that “mapping is a recent requirement of Groundwater Management Plans”.

The OVGMP recommends that an Annual Review and Report (ARR) be prepared to summarize groundwater conditions in the basin, document the status of groundwater management activities from the previous year, and recommend any amendments to the OVGMP. On behalf of the OVGMP stakeholders, the District prepared two ARR’s; one for water year 2007 and one for water year 2008. One Biennial Review and Report was prepared for water years 2009 and 2010. The OVGMP Advisory Group recommended to the Implementation Group that the next Biennial Review and Report be postponed due to little change in conditions and resultant ARR as well as the cost to prepare the report given the District’s distressed post-recession revenues.

DISCUSSION: As predicted in section 6.8 of the OVGMP (*Future Review and Revision of the Plan*), the OVGMP requires updating to address “new issues, changed conditions, and future technological advancements that will occur over time”. The OVGMP needs updating to comply with new requirements of AB 359 in order to maintain eligibility for future grant funding administered through DWR, which has provided important grant funds to the District.

Unless a new grant opportunity becomes available, staff intends to include funding in the District’s fiscal year 2015-16 Budget to prepare a Quinquennial (5-years) Review and Report in order to comply with AB 359, address any additional requirements, as well as update the OVGMP with results from the *Olympic Valley Creek / Aquifer Interaction Study*, two groundwater model updates, the VSVSP Water Supply Assessment (WSA) and Amendment, and the Aquifer Monitoring Program.

Members of the public approached District staff and made public comments that the District should prepare a map of the aquifer’s recharge zones as required by

AB 359. Almost all express concern about the potential impact to aquifer recharge from the proposed construction of lots 16-19 (near the mouth of Shirley Canyon) in the *Village at Squaw Valley Specific Plan* (VSVSP). The area of recharge estimated in the *Olympic Valley Creek / Aquifer Interaction Study* is the 6,300-foot above sea-level elevation band, approximately where lots 16-19 are proposed.

According to our hydrogeology consultant, “mapping recharge areas is very inexact (and not very useful). In fact, I was opposed to the mapping bill when it came out because we’ll end up with a relatively useless map that the public will put too much faith in. I think managing public expectation will be a big part of any mapping that you undertake. There are a couple ways to do the mapping, but you usually end up with very generalized maps that tell you little.”

ALTERNATIVES: This item is for informational purposes only and no action is requested from the Board.

FISCAL/RESOURCE IMPACTS: There are no financial or other resource impacts at this time. There will be costs associated with the preparation of the Quinquennial Review and Report proposed in this report. However, the Board will have the opportunity to consider and approve this expense during the FY 2015-16 Budget preparation process.

In June, the Board of Directors, fulfilling its role as the Olympic Valley Groundwater Management Implementation Group, will discuss the scope, schedule, expense, and funding for the proposed Quinquennial Review and Report.

RECOMMENDATION: This item is for informational purposes only and no action is requested from the Board.

ATTACHMENTS: AB 359 summary information; AB 359 - 2011 statutes.

DATE PREPARED: January 26, 2015.

2011 Assembly Bill 359 (AB 359)

Sections 10750-10755 of the California Water Code (AB 3030) provide a systematic procedure for an existing local agency to develop a groundwater management plan. Over one hundred twenty agencies have adopted groundwater management plans and seventy eight of those plans in accordance with SB 1938 (2002). In some basins, groundwater is managed under other statutory or juridical authority.

AB 3030 allowed certain defined existing local agencies to develop a groundwater management plan in groundwater basins defined in DWR Bulletin 118. No new level of government is formed. Action is voluntary not mandatory. This was followed with SB 1938 that enhanced the process slightly more and added technical components that are required in each plan in order to be eligible for groundwater related DWR grant funding.

AB 359 was introduced by Assemblyperson Huffman and signed into water code 2011. Enactment of the legislation was delayed until 1/1/2013. This bill is also known as the Groundwater Recharge Area Mapping bill. AB 359 added additional required technical components and modified several groundwater management plan adoption procedures that will be discussed below.

AB 359 GW Management enhancements in CA Water Code

- 1) Requires the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption.
- 2) Authorizes any person to request to be placed on a list established by the local agency for purposes of receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents.
- 3) Requires the local agency to provide each of those interested persons and the department with a specified notice prior to the 2nd hearing to determine whether to adopt the plan.
- 4) Requires, if a groundwater management plan is not adopted within 2 years of the date of the adoption of a resolution of intention and the local agency is operating under a previously adopted groundwater management plan, that the previously adopted plan remain in effect.
- 5) Requires the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans and information regarding groundwater management plans provided by local agencies and specified groundwater monitoring entities.
- 6) Specifies that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan.
- 7) Commencing January 1, 2013, additionally requires a description of how recharge areas identified in the plan substantially contribute to the replenishment of the groundwater basin and a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements.
- 8) Require the local agency to provide the map of the recharge areas to local planning agencies and notify the department and other interested persons when a map is submitted to those local planning agencies.

Assembly Bill No. 359

CHAPTER 572

An act to amend Sections 10752, 10753, 10753.2, 10753.4, 10753.5, and 10753.7 of, and to add Section 10753.11 to, the Water Code, relating to groundwater.

[Approved by Governor October 08, 2011. Filed with Secretary of State
October 08, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 359, Huffman. Groundwater management plans.

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a 2nd hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings. Existing law requires a local agency to prepare a groundwater management plan within 2 years of the date of the adoption of the resolution of intention.

This bill would require the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption. The bill would authorize any person to request to be placed on a list established by the local agency for purposes of receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. The bill would require the local agency to provide each of those interested persons and the department with a specified notice prior to the 2nd hearing to determine whether to adopt the plan. The bill would require, if a groundwater management plan is not adopted within 2 years of the date of the adoption of a resolution of intention and the local agency is operating under a previously adopted groundwater management plan, that the previously adopted plan remain in effect. The bill would require the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans and information regarding groundwater management plans provided by local agencies and specified groundwater monitoring entities.

(2) Existing law requires a local agency seeking specified state funds for certain groundwater projects to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

This bill would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan. The bill, commencing January 1, 2013, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements. The bill would require the local agency to provide the map of the recharge areas to local planning agencies and notify the department and other interested persons when a map is submitted to those local planning agencies.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10752 of the Water Code is amended to read:

10752. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(b) "Groundwater basin" means any basin or subbasin identified in the department's Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.

(c) "Groundwater extraction facility" means a device or method for the extraction of groundwater within a groundwater basin.

(d) "Groundwater management plan" or "plan" means a document that describes the activities intended to be included in a groundwater management program.

(e) "Groundwater management program" or "program" means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) "Groundwater recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) "Local agency" means a local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) "Person" has the same meaning as defined in Section 19.

(i) "Recharge area" means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(j) "Watermaster" means a watermaster appointed by a court or pursuant to other provisions of law.

(k) "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

SEC. 2. Section 10753 of the Water Code is amended to read:

10753. (a) Any local agency, whose service area includes a groundwater basin, or a portion of a groundwater basin, that is not subject to groundwater management pursuant to other provisions of law or a court order, judgment, or decree, may, by ordinance, or by resolution if the local agency is not authorized to act by ordinance, adopt and implement a groundwater management plan pursuant to this part within all or a portion of its service area.

(b) Notwithstanding subdivision (a), a local public agency, other than an agency defined in subdivision (g) of Section 10752, that provides flood control, groundwater management, or groundwater replenishment, or a local agency formed pursuant to this code for the principal purpose of providing water service that has not yet provided that service, may exercise the authority of this part within a groundwater basin that is located within its boundaries within areas that are either of the following:

(1) Not served by a local agency.

(2) Served by a local agency whose governing body, by a majority vote, declines to exercise the authority of this part and enters into an agreement with the local public agency pursuant to Section 10750.7 or 10750.8.

(c) Except as provided in subdivision (b), this chapter does not authorize a local agency with authority to manage groundwater planning within the service area of another local agency.

(d) Except as otherwise provided in this part, the process for developing and adopting a revised groundwater management plan shall be the same as the process for developing and adopting a new groundwater management plan.

SEC. 3. Section 10753.2 of the Water Code is amended to read:

10753.2. (a) Prior to adopting a resolution of intention to draft a groundwater management plan, a local agency shall hold a hearing, after publication of notice pursuant to Section 6066 of the Government Code, on whether or not to adopt a resolution of intention to draft a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

(b) At the conclusion of the hearing, the local agency may draft a resolution of intention to adopt a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

(c) The local agency shall provide to the department a copy of a resolution of intention adopted pursuant to this section within 30 days of the date of adoption. The local agency shall also provide to the department contact information for the person in charge of drafting the groundwater management plan.

(d) The department shall post on its Internet Web site information it possesses regarding groundwater management plans being prepared or adopted pursuant to this part, including information provided by local agencies identified pursuant to this section, and monitoring entities identified pursuant to Sections 10928 and 10930.

SEC. 4. Section 10753.4 of the Water Code is amended to read:

10753.4. (a) The local agency shall prepare a groundwater management plan within two years of the date of the adoption of the resolution of intention.

(1) If the plan is not adopted within two years, the resolution of intention expires, and a plan shall not be adopted except pursuant to a new resolution of intention adopted in accordance with this chapter.

(2) If the plan is not adopted within two years, and the local agency was operating under a previously adopted groundwater management plan, that previous plan shall remain in effect.

(b) For the purposes of carrying out this part, the local agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in developing the groundwater management plan. The local agency may appoint, and consult with, a technical advisory committee consisting of interested parties for the purposes of carrying out this part.

(c) The local agency shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. Any person may request, in writing, to be placed on the list of interested persons.

SEC. 5. Section 10753.5 of the Water Code is amended to read:

10753.5. (a) After a groundwater management plan is prepared, the local agency shall hold a second hearing to determine whether to adopt the plan. Notice of the hearing shall be given pursuant to Section 6066 of the Government Code. Notice shall also be provided to the department and to all persons on the list established and maintained pursuant to subdivision (c) of Section 10753.4. The notice shall include a summary of the plan and shall state that copies of the plan and any maps that may be prepared pursuant to this part may be obtained for the cost of reproduction at the office of the local agency.

(b) At the second hearing, the local agency shall consider protests to the adoption of the plan. At any time prior to the conclusion of the second hearing, any landowner within the local agency may file a written protest or withdraw a protest previously filed.

SEC. 6. Section 10753.7 of the Water Code is amended to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects, including projects that are part of an integrated regional water management program or plan, and excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin, groundwater quality degradation, inelastic land surface subsidence, changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin, and a description of how recharge areas identified in the plan substantially contribute to the replenishment of the groundwater basin.

(2) For purposes of implementing paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For purposes of implementing paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) (A) Commencing January 1, 2013, for purposes of implementing paragraph (1), the groundwater management plan shall include a map identifying the recharge areas for the groundwater basin.

(B) The local agency shall provide the map required pursuant to subparagraph (A) to the appropriate local planning agencies after adoption of the groundwater management plan.

(C) Upon submitting a map pursuant to subparagraph (B), the local agency shall notify the department and all persons on the list established and maintained pursuant to subdivision (c) of Section 10753.4.

(D) For purposes of this paragraph, "map identifying the recharge areas" means a map that identifies, or maps that identify, the current recharge areas that substantially contribute to the replenishment of the groundwater basin.

(5) The local agency shall adopt monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management.

(6) Local agencies that are located in areas outside the groundwater basins delineated on the latest edition of the department's groundwater basin and subbasin map shall prepare groundwater management plans incorporating the components in this subdivision, and shall use geologic and hydrologic principles appropriate to those areas.

(b) (1) (A) A local agency may receive state funds administered by the department for groundwater projects or for other projects that directly affect groundwater levels or quality if it prepares and implements, participates in, or consents to be subject to, a groundwater management plan, a basinwide management plan, or other integrated regional water management program or plan that meets, or is in the process of meeting, the requirements of subdivision (a). A local agency with an existing groundwater management plan that meets the requirements of subdivision (a), or a local agency that completes an update of its plan to meet the requirements of subdivision (a) within one year of applying for funds, shall be given priority consideration for state funds administered by the department over local agencies that are in the process of developing a groundwater management plan. The department shall withhold funds from the project until the update of the groundwater management plan is complete.

(B) Notwithstanding subparagraph (A), a local agency that manages groundwater under any other provision of existing law that meets the requirements of subdivision (a), or that completes an update of its plan to meet the requirements of subdivision (a) within one year of applying for funding, shall be eligible for funding administered by the department. The department shall withhold funds from a project until the update of the groundwater management plan is complete.

(C) Notwithstanding subparagraph (A), a local agency that conforms to the requirements of an adjudication of water rights in the groundwater basin is in compliance with subdivision (a). For purposes of this subparagraph, an "adjudication" includes an adjudication under Section 2101, an administrative adjudication, and an adjudication in state or federal court.

(D) Subparagraphs (A) and (B) do not apply to proposals for funding under Part 2.78 (commencing with Section 10795), or to funds authorized or appropriated prior to September 1, 2002.

(E) A local agency may request state funds to map groundwater recharge areas pursuant to paragraph (4) of subdivision (a) to the extent that the request for state funds is consistent with eligibility requirements that are applicable to the use of the requested funds.

(2) Upon the adoption of a groundwater management plan in accordance with this part, the local agency shall submit a copy of the plan to the department, in an electronic format, if practicable, approved by the department. The department shall make available to the public copies of the plan received pursuant to this part.

SEC. 7. Section 10753.11 is added to the Water Code, to read:

10753.11. A plan shall not be considered invalid, and the local agency shall not be required to recirculate the plan for public comment or to delay implementation of the plan, if the local agency substantially complies with the public notice provisions of this chapter.