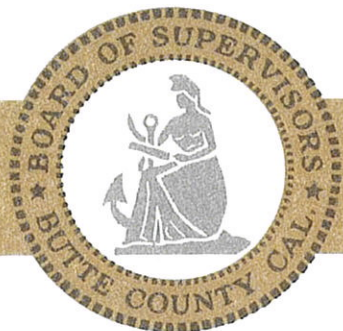




BOARD OF SUPERVISORS

COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 17-085

RESOLUTION TO ESTABLISH THE BUTTE COUNTY GROUNDWATER SUSTAINABILITY AGENCY IN THE EAST BUTTE SUBBASIN

WHEREAS, the Sustainable Groundwater Management Act (SGMA) of 2014 went into effect on January 1, 2015;
and

WHEREAS, SGMA enables the State Water Resources Control Board to intervene in groundwater basins unless a local public agency or combination of local public agencies form a Groundwater Sustainability Agency or Agencies (GSA) by June 30, 2017 (Water Code §10735); and

WHEREAS, retaining local jurisdiction over water management and land use is essential to sustainably manage groundwater and to the vitality of Butte County's economy, communities, and environment; and

WHEREAS, any local public agency that has water supply, water management or land use responsibilities within a subbasin may elect to be a Groundwater Sustainability Agency (Water Code §10721 and §10723(a)); and

WHEREAS, counties are presumed to be the Groundwater Sustainability Agency for areas within a basin that is not within the management area of another Groundwater Sustainability Agency (Water Code §10724); and

WHEREAS, Butte County is eligible and presumed to be a Groundwater Sustainability Agency for the portions of the Vina, West Butte, East Butte, and Wyandotte Creek (formally North Yuba) subbasins in Butte County not managed by another agency; and

WHEREAS, on October 13, 2015, after holding a public hearing and publication of notice pursuant to Government Code section 6066, the Butte County Board of Supervisors adopted Resolution No. 15-146, electing to become a GSA for all portions of Butte County that overlie the Vina, West Butte, East Butte, and Wyandotte Creek (formally the North Yuba) subbasins; and

WHEREAS, Sutter County, the cities of Biggs, Gridley, Live Oak and Oroville, Butte College, Western Canal Water District, Biggs-West Gridley Water District, Butte Water District, Richvale Irrigation District, Sutter Extension Water District, Thermalito Water and Sewer District, and Reclamation District 1004 have elected to become GSAs in the East Butte subbasin; and

WHEREAS, on January 1, 2016, legislation known as Senate Bill 13 took effect which among other things requires that if the proposed GSA management areas of two or more entities overlap, then none of the entities would be recognized as GSAs until the overlap was resolved or eliminated (Water Code §10723.8(c)); and

WHEREAS, the Butte County GSA area submitted through Resolution No. 15-146 overlaps the GSA areas of the City of Biggs, the City of Gridley, the City of Oroville, Western Canal Water District, Richvale Irrigation District, Biggs-West Gridley Water District, Butte Water District, and Thermalito Water and Sewer and has prevented the establishment of GSAs as required by SGMA; and

WHEREAS, failing to eliminate the GSA overlaps and establish GSAs by June 30, 2017 will subject the respective basin to State Water Resources Control Board intervention that will result in the imposition of fees and the loss of local land use and water management authority; and

WHEREAS, pursuant to Water Code §10723.8(c), entities whose proposed GSA management areas overlap may modify their proposed management areas in order to eliminate overlaps, and such modification does not require a new notice of intent unless the modification would effect a "material change" to the previously submitted notice of intent; and

WHEREAS, Butte College elects to resolve the overlap by withdrawing their application to be a GSA; and

WHEREAS, Butte College can continue participation and support of SGMA compliance efforts in the East Butte subbasin through a partnership with Butte County; and

WHEREAS, Butte County, the City of Oroville, Sutter County, Sutter Extension Water District, and Reclamation District 1004 support a cooperative and ongoing working relationship that will allow compliance with SGMA through eliminating GSA boundary overlaps and establish multi-GSA partnerships; and

WHEREAS, Butte County can resolve the overlap with the City of Biggs, the City of Gridley, the City of Oroville, Western Canal Water District, Richvale Irrigation District, Biggs-West Gridley Water District, Butte Water District and Thermalito Water and Sewer by modifying its GSA notice with a revised GSA map which reflects that the Butte County GSA area will be the portions of the East Butte subbasin not covered by the City of Biggs, the City of Gridley, the City of Oroville, Western Canal Water District, Richvale Irrigation District, Biggs-West Gridley Water District, Butte Water District, and Thermalito Water and Sewer; and

WHEREAS, the modified GSA filing would resolve the overlaps in the East Butte subbasin and does not involve a material change requiring a new notice of intent.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Butte hereby modifies its proposed GSA management areas in the West Butte (5-21.58) subbasin as depicted in the map attached as Exhibit A; and

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Butte supports advancing the planning process of SGMA in the East Butte subbasin by entering into a memorandum of understanding with Butte College; and

BE IT FURTHER RESOLVED that the Butte County Department of Water and Resource Conservation is authorized to submit a modified GSA boundary and other related documents for the East Butte subbasin.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 23rd day of May, 2017 by the following vote:

AYES: Supervisors Wahl, Lambert, Teeter, and Chair Connelly

NOES: None

ABSENT: Supervisor Kirk

NOT VOTING: None


Bill Connelly, Chair
Butte County Board of Supervisors

ATTEST:

Paul Hahn, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: 
Deputy

Exhibit A:
Butte County
Groundwater Sustainability Agency Area
East Butte Subbasin

