



Legislation Details (With Text)

File #: 2021-1042
Type: Consent Calendar Item **Status:** Agenda Ready
File created: 9/21/2021 **In control:** Sonoma County Water Agency
On agenda: 12/7/2021 **Final action:**
Title: State of California Department of Water Resources Land Use Agreements and Groundwater Sustainability Agency Easement Agreements - Sustainable Groundwater Management Act
Sponsors: Sonoma County Water Agency, Transportation and Public Works, General Services
Indexes:
Attachments: 1. Summary Report, 2. Attachment 1, 3. Attachment 2

Date	Ver.	Action By	Action	Result
12/7/2021	1	Board of Supervisors	Approved as recommended	Pass

To: Board of Directors, Sonoma County Water Agency, Board of Supervisors, Transportation and Public Works and General Services

Department or Agency Name(s): Sonoma County Water Agency, Sonoma County Department of Transportation and Public Works, Sonoma County General Services Department

Staff Name and Phone Number: Marcus Trotta, 707-547-1978; Johannes Hovertsz, 707-565-2231; Keith Lew 707-565-3193

Vote Requirement: 4/5th

Supervisorial District(s): First, Second, Fourth, and Fifth

Title:

State of California Department of Water Resources Land Use Agreements and Groundwater Sustainability Agency Easement Agreements - Sustainable Groundwater Management Act

Recommended Action:

- A) Authorize the General Manager of Sonoma County Water Agency to execute a Land Use Agreement with the State of California Department of Water Resources for four State-installed monitoring wells in support of the Sustainable Groundwater Management Act (agreement term of 20 years at no cost to Sonoma Water).
- B) Authorize the Director of the Department of Transportation and Public Works to execute three Land Use Agreements with the State of California Department of Water Resources for nine State-installed monitoring wells in Sonoma County Right-of-Ways in support of the Sustainable Groundwater Management Act (agreement term of 20 years at no cost to the County).
- C) Authorize the Director of the Department of Transportation and Public Works to execute a Land Use Agreement with the State of California Department of Water Resources for one State-installed monitoring well on county-owned property adjacent to the Sonoma County Airport in support of the Sustainable Groundwater Management Act (agreement term of 20 years at no cost to the Airport or County).
- D) Consider grant of an easement by Sonoma Water to the Santa Rosa Plain Groundwater Sustainability Agency for a multi-depth groundwater monitoring well (4/5th Vote Required).
- E) Authorize the Director of the Department of Transportation and Public Works to execute an easement

agreement with the Sonoma Valley Groundwater Sustainability Agency for a multi-depth groundwater monitoring well to be located at the Sonoma Road Maintenance Yard.

- F) Authorize the Director of Sonoma County General Services Department to execute an easement agreement with the Santa Rosa Plain Groundwater Sustainability Agency for a multi-depth groundwater monitoring well to be located at the Cotati Veterans Building property.
- G) Make findings that the easements and land use rights granted by the agreements authorized hereby are in the public interest and that the interests in land so conveyed will not substantially conflict or interfere with the use of the property by the respective granting or conveying entities.

(First, Second, Fourth and Fifth Districts)

Executive Summary:

To facilitate compliance with the Sustainable Groundwater Management Act and to develop information regarding groundwater basin conditions throughout the County, a system of monitoring and sampling wells have been proposed by the Sonoma Valley, Santa Rosa Plain, and Petaluma Valley Groundwater Sustainability Agencies (collectively, the GSAs) and the State of California Department of Water Resources (DWR). As part of this program, the Sonoma County Water Agency (Sonoma Water) and the Sonoma County Department of Transportation and Public Works (TPW) have allowed the DWR to install groundwater monitoring wells for use by the GSAs. The monitoring wells were installed under encroachment permits and revocable licenses; however, the DWR now requires that Land Use Agreements be executed to ensure the State's right to access the monitoring wells for a period of 20 years. Authority is needed for Sonoma Water and TPW to execute the Land Use Agreements on the terms requested by DWR.

In addition, three deep multi-level groundwater monitoring wells are proposed by the GSAs: one on County property maintained and controlled by TPW, one on County property maintained and controlled by the General Services Department, and one at a site owned by Sonoma Water.

This item would authorize Sonoma Water's General Manager and TPW's Director to each execute the requested Land Use Agreements with the GSAs and DWR. This item would also authorize Sonoma Water's General Manager, TPW's Director, and General Service's Director to execute easement agreements with the GSAs in a form approved by County Counsel.

Discussion:

On April 25, 2017, the Sonoma County Board of Supervisors and Sonoma Water Board of Directors authorized joint powers agreements for the formation of three Groundwater Sustainability Agencies: Sonoma Valley, Santa Rosa Plain, and Petaluma Valley Groundwater Sustainability Agencies (GSAs). Staff from the eligible agencies, as defined by the Sustainable Groundwater Management Act (Groundwater Act), cooperated to develop a governance structure for these agencies. Each of the three basins have a separate Groundwater Sustainability Agency with a board made up of elected or appointed board members from the eligible agencies. The GSAs are tasked with assessing the conditions in their basins and adopting locally-based Groundwater Sustainability Plans by January 31, 2022.

To assist Groundwater Sustainability Agencies throughout the state, the California Department of Water Resources has developed a Technical Support Services program which includes funding the construction of groundwater monitoring wells. Sonoma Water prepared applications to the Technical Support Services program on behalf of the local GSAs. Previous and ongoing studies of the basins, including United States Geological Survey studies, have identified the need for additional monitoring wells to develop and implement the Groundwater Sustainability Plans. While existing monitoring networks have been developed in the basins,

additional information is needed for the purposes of complying with the Groundwater Act, particularly regarding the connection between groundwater and surface water.

Through the Technical Support Services program, Department of Water Resources hired a drilling subcontractor to construct the shallow monitoring wells in the various groundwater basins. Each of the sites are located on publicly-owned property. Sonoma Water assisted the Department of Water Resources by providing specific well locations; obtaining needed access and permits; conducting necessary environmental work; and providing ongoing monitoring services. These services are within the scope of Sonoma Water's existing technical agreement with the GSAs, and are not anticipated to require additional funding. The funding provided by the Department of Water Resources for installation of the monitoring wells is estimated to be \$334,000.

As a condition of funding the installation of the monitoring wells, the Department of Water Resources requires the execution of a Land Use Agreement for each monitoring well site. The Land Use Agreements ensure the Department of Water Resources has access to the subject property for the installation, use, and monitoring of each monitoring well for a twenty-year period. Four monitoring wells have been installed on Sonoma Water property under revocable license agreements. Eight monitoring wells have been installed on County Right-of-Ways under encroachment permits. One additional monitoring well is planned to be installed in a certain County Right-of-Way in the future. An additional monitoring well is planned to be installed on County property maintained and controlled by TPW's Airport Division. A Land Use Agreement has been proposed by DWR for each of the monitoring well sites (for those existing and the proposed additional locations). The Land Use Agreement form has been reviewed by appropriate TPW staff, including Airport staff and, with certain modifications, determined that it is compatible with County and Federal Aviation Administration requirements.

In addition to the shallow monitoring wells described above, the GSAs are requesting to install 12 deep multi-level groundwater monitoring wells to address key data gaps. Each of the three GSAs received a \$1 million grant from DWR through the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68), which will fund the deep multi-level monitoring wells. One well is proposed on County property maintained and controlled by TPW, one well is proposed on County property maintained and controlled by General Services, and one at a site owned by Sonoma Water. The easement agreements for each include a non-exclusive temporary easement for construction purposes to build a deep groundwater monitoring well, a long-term easement for the well itself, and a corresponding access easement to maintain the well. As for the County sites, the wells will be installed in out-of-the-way areas at existing, developed properties where existing County operations and uses will not be impacted. The site owned by Sonoma Water, along Colgan Creek, is subject to a conservation easement held by Sonoma County Agricultural Preservation and Open Space District (Ag and Open Space). A Permitted Use Notice and Request Form has been submitted to Ag and Open Space and is pending approval.

This item will have no fiscal impact to Sonoma Water, TPW, or General Services. Costs to Sonoma Water to execute the Land Use and Easement Agreements will be funded by the respective Groundwater Sustainability Agencies. The Land Use Agreement for the Airport property provides a one-time \$500 payment to TPW Airport Division for the use of the land. The other agreements and easements will be granted free of charge to the GSAs and DWR. Future monitoring and maintenance of the monitoring wells will be performed by the GSAs at no cost to County or Sonoma Water.

Sonoma Water, TPW, and General Services staff recommend their respective Boards approve this agenda item. Sonoma Water requests that its Board of Directors consider granting an easement to Santa Rosa Plain GSA. In accordance with Section 9 of Sonoma Water’s enabling legislation, this item will be returned to the Board for further consideration and action at the Board’s next scheduled Board Meeting with regard to that easement.

Delegating authority to Sonoma Water’s General Manager, Public Work’s Director and Airport Manager, and General Service’s Director to execute the Land Use Agreements and Easement Agreements, in a form approved by County Counsel, will ensure Department of Water Resources funding of the monitoring wells benefiting the GSAs within Sonoma County.

Prior Board Actions:

- 04/06/2021: Services for Groundwater Sustainability Agencies; Authorize Sonoma County Water Agency’s General Manager to execute the Third Amended Agreement for technical, outreach, and grant administration services with each GSA to include funding from Proposition 68 grant.
- 12/04/2018: Services for Groundwater Sustainability Agencies; Authorized General Manager to execute agreements with Groundwater Sustainability Agencies and to extend provision of technical, outreach, and grant administration services with each GSA through the year 2022.
- 03/21/2018: Authorized the General Manager of Sonoma Water to enter into an agreement with Santa Rosa Plain Groundwater Sustainability Agency to provide interim administrator services while the temporary administrator was on maternity leave.
- 04/25/2017: Approved the formation of Groundwater Sustainability Agencies and authorized the General Manager of Sonoma Water to enter into agreements with each GSA to provide technical, outreach, and grant-writing services.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$0		
Additional Appropriation Requested			
Total Expenditures	\$0		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$0		

Narrative Explanation of Fiscal Impacts:

None

Staffing Impacts:

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Example- Draft Land Use Agreement Form
2. Example- Draft Easement form

Related Items "On File" with the Clerk of the Board:

None