

RESOLUTION NO. 2017-01

RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY GROUNDWATER SUSTAINABILITY AGENCY, A JOINT POWERS AGENCY, TO BECOME THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE BEAR VALLEY GROUNDWATER BASIN AND FINDING FORMATION OF THE GROUNDWATER SUSTAINABILITY AGENCY EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in September 2014, the Sustainable Groundwater Management Act (“SGMA”) was signed into law, with an effective date of January 1, 2015, and codified at California Water Code, Section 10720 et seq; and

WHEREAS, the legislative intent of SGMA is to, among other goals, provide for sustainable management of alluvial groundwater basins and Basins defined by the California Department of Water Resources (“DWR”), to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide specified local agencies with the Agency and the technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, Water Code section 10723(a) authorizes a “local agency” with water supply, water management or local land use responsibilities, or a combination of local agencies with such responsibilities overlying a groundwater basin, to decide to become a Groundwater Sustainability Agency (GSA) under SGMA; and

WHEREAS, the Bear Valley Groundwater Sustainability Agency (“Agency”) is a “local agency” comprised of the Big Bear City Community Services District, the City of Big Bear Lake, Department of Water and Power, and the Big Bear Municipal Water District (each a “Member”) with “water management” responsibilities within the Bear Valley Groundwater Basin (DWR Bulletin 118, No. 8-009) (the “Basin”); and

WHEREAS, sustainable groundwater management of groundwater basins designated by DWR as high and medium priority basins is required by SGMA; and

WHEREAS, the boundaries of the Agency overlie the Basin, which is not adjudicated and is designated by DWR as a medium priority basin; and

WHEREAS, California Water Code Section 10723.8 requires that a local agency deciding to serve as a GSA notify DWR within 30 days of the local agency’s decision to become a GSA authorized to undertake sustainable groundwater management within a basin; and

WHEREAS, California Water Code Section 10723.8 mandates that 90 days following the posting by DWR of the local agency’s decision to become a GSA, that entity shall be presumed to be the exclusive GSA for the area within the basin the agency is managing as described in the notice, provided that no other GSA formation notice covering the same area has been submitted to DWR; and

WHEREAS, the Agency intends to manage all portions of the Basin subject to SGMA under a groundwater sustainability plan (“GSP”); and

WHEREAS, in accordance with Section 10723(b) of the California Water Code, and Section 6066 of the California Government Code, a notice of public hearing was published in a newspaper serving the Big Bear area of San Bernardino County regarding the Agency’s intent to consider becoming a GSA for the Basin.

NOW, THEREFORE, THE AGENCY BOARD OF DIRECTORS HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The above recitals, and each of them, are true and correct, and are incorporated as terms of this resolution.

Section 2. The Agency Board of Directors hereby decides and determines that the Agency shall become the GSA for the entire Basin.

Section 3. Agency staff, or staff of one of the Agency Members on behalf of the Agency, shall submit to DWR, within thirty (30) days of the approval of this Resolution, all documentation and information required by Water Code section 10723.8 to support the Agency’s formation of a GSA over the Basin.

Section 4. The Agency Board of Directors hereby finds and determines that the approval of this Resolution and formation of the GSA is not a project pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) or the State CEQA Guidelines (14 Cal. Code Regs., tit. 14, §§ 15000 et seq.) (collectively, “CEQA”). Specifically, the Board finds that, because it is only electing to form the GSA for the entire Basin and not approving any specific projects or authorizing any further activities, formation of the GSA is not a project under State CEQA Guidelines section 15378 because there is no potential that formation of the GSA will result in either a direct physical change or reasonably foreseeable indirect change in the environment. The Board further finds that even if formation of the GSA constitutes a project under CEQA, it is exempt from CEQA review pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the formation of the GSA may have a significant effect on the environment. Finally, the Board finds that formation of the GSA is further exempt from CEQA review pursuant to State CEQA Guidelines sections 15307 and 15308 as an action authorized by state law and taken by a regulatory agency that will assure the maintenance, restoration, or enhancement of a natural resource and the environment.

Section 5. Staff is directed to file and post within five (5) business days a Notice of Exemption for this approval with the Clerk of the Board of Supervisors of San Bernardino County.

Section 6. The Board Secretary shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 25th day of May, 2017, by the following
vote:

AYES: Ludecke, Hjorth, Green

NOES: None

ABSENT: None



BOB LUDECKE, PRESIDENT
BOARD OF DIRECTORS

ATTEST:


VICKI SHEPPARD, SECRETARY