

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION ADOPTING THE EAST BAY PLAIN SUBBASIN GROUNDWATER SUSTAINABILITY PLAN FOR THE CITY OF HAYWARD

WHEREAS, the California Legislature has adopted, and the Governor has signed into law, the Groundwater Management Act of 2014 (SGMA), which authorizes local agencies to ensure sustainable management of groundwater resources; and

WHEREAS, SGMA requires that by January 31, 2022, all groundwater basins designated by the California Department of Water Resources (DWR) as High- or Medium priority basins that are subjected to critical conditions of overdraft be managed under a Groundwater Sustainability Plan (GSP), or coordinated GSPs as provided for in California Water Code Section 10720.7(a); and

WHEREAS, the East Bay Plain Subbasin 2-009.04 (East Bay Plain Subbasin) is categorized as a medium-priority basin and subject to the provisions of SGMA; and

WHEREAS, the City of Hayward and East Bay Municipal Utility District (EBMUD) are the water providers that lie atop the East Bay Plain Subbasin; and

WHEREAS, the City of Hayward and EMBUD are the exclusive Groundwater Sustainability Agencies (GSAs) for their respective management areas in the East Bay Plain Subbasin; and

WHEREAS, the City of Hayward and EBMUD have agreed that working cooperatively to prepare a single GSP that covers the entire East Bay Plain Subbasin would be feasible and mutually beneficial; and

WHEREAS, on June 5, 2018, the Hayward City Council authorized the City Manager to execute a Cooperating Agreement with EBMUD to set forth the roles, responsibilities, cost-sharing, and other commitments to jointly prepare a single GSP for the East Bay Plain Subbasin in compliance with SGMA; and

WHEREAS, the Cooperating Agreement was fully executed on June 25, 2018; and

WHEREAS, on March 29, 2019, the Cooperating Agreement was amended to reflect the final scope of work, schedule, and budget for the development of the East Bay Plain Subbasin GSP; and

WHEREAS, on December 22, 2020, the Cooperating Agreement was amended to incorporate additional groundwater monitoring and analysis, including installation of new monitoring wells within Hayward's boundaries, and to develop a Data Management System; and

WHEREAS, on November 16, 2021, the Cooperating Agreement was amended to allocate responsibility for the new monitoring wells and appoint a plan manager as required by DWR; and

WHEREAS, the City of Hayward, has prepared the East Bay Plain Subbasin GSP in cooperation with EBMUD as GSAs for the Subbasin based on the best available data and science, in accordance with the Act; and

WHEREAS, development of the draft East Bay Plain Subbasin GSP was supported by three groups of public participants: General Stakeholders, a Technical Advisory Committee, and an Interbasin Working Group; and

WHEREAS, a draft of the East Bay Plain Subbasin GSP in its entirety was made available for public review on September 17, 2021; and

WHEREAS, the GSAs have reviewed and considered all comments received from cities and counties within the area of the GSP, as required by Water Code Section 10728.4; and

WHEREAS, the Council Sustainability Committee reviewed and expressed unanimous support for the approval of the East Bay Plain Subbasin GSP; and

WHEREAS, the Director of Public Works has submitted to the City Council a copy of the draft East Bay Plain Subbasin GSP and staff report dated December 7, 2021, for review; and

WHEREAS, a public hearing was held on December 7, 2021, in a manner prescribed by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the plan entitled "East Bay Plain Subbasin Groundwater Sustainability Plan," a copy of which is on file in the office of the City Clerk, is hereby adopted as the Groundwater Sustainability Plan for the City of Hayward.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that, under the California Water Code Section 10728.6, adoption of the East Bay Plain Subbasin Groundwater Sustainability Plan does not constitute a project under the California Environmental Quality Act (CEQA); therefore, this action is exempt from environmental review under CEQA.

