



Board Agenda Item 55

DATE: October 21, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Memorandum of Understanding Regarding Implementation of the Domestic Well Mitigation Program

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to sign the Memorandum of Understanding regarding costs and implementation of the Delta-Mendota Subbasin Well Mitigation Program within the Central Delta-Mendota GSA.

Approval of the recommended action will approve the Memorandum of Understanding (MOU) between multiple Groundwater Sustainability Agencies (GSAs) within the Delta-Mendota Groundwater Subbasin (DMS). This MOU governs the cost sharing and implementation of the Well Mitigation Policy (Policy) within the boundaries of the Central Delta-Mendota Groundwater Sustainability Agency (CD-M GSA) in the Subbasin. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; however, it would likely result in increased costs and delay the Groundwater Sustainability Plan (GSP) implementation and any coordination obligation of SGMA.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. The County's share is estimated at \$14,286 per year, for 3 years, totaling \$42,858. The County will cover the cost for CD-M GSA Management Areas A & B through appropriations allocated within the Interest and Miscellaneous Expenditures from the CAO's Org 2540 FY 2025-26 Adopted Budget.

DISCUSSION:

The Sustainable Groundwater Management Act (SGMA) provides for the establishment of a local Groundwater Sustainability Agency (GSA) to manage groundwater sustainability within groundwater subbasins defined by the California Department of Water Resources (DWR). SGMA was signed into law on September 16, 2014, and is codified at California Water Code (Cal. Water Code) sections 10720 through 10737.8. SGMA established a new structure for managing California's groundwater resources at a local level by local agencies. Each GSA is required to develop and implement, a groundwater sustainability plan (GSP) to ensure a sustainable yield of groundwater, without causing undesirable results. Failure to implement a GSP and meet its sustainability goal could result in the State Water Resources Control Board (SWRCB) asserting its authority to manage local groundwater resources.

In anticipation of potential intervention by SWRCB, the GSAs entered into a Memorandum of Agreement on December 11, 2023, agreeing to collectively adopt a single GSP for the DMS instead of submitting multiple plans for each GSA to address the deficiencies identified by DWR with the original submittal of the coordinated GSPs. The County's portion of the single GSP was approved by your Board on September 10, 2024, and re-submitted for review by the State. GSP implementation is ongoing and is expected to continue through 2029.

To assure compliance with SGMA within the DMS, Department staff has participated in regular meetings with representatives from the local participating GSAs. The County is part of the Central Delta-Mendota Multi-Agency GSA, approved by the Board on March 7, 2017. The action approved by the Board included a cost share mechanism to fund the coordination costs of that GSA.

The recommended MOU is meant to address, among other things, the cost sharing between the GSA Members for any required investigations or mitigation of wells that occur pursuant to the Policy which was adopted as part of the single GSP approved by your Board September 10, 2024. A Joint Cost Sharing Account was created and is currently maintained by the San Luis Delta Mendota Water Authority, which currently serves as the CD-M GSA coordinating consultant. The Reserve will total \$300,000 and be funded over three (3) fiscal years (beginning March 1, 2025), with \$100,000 contributed annually. The Reserve will be contributed to equally by the seven GSA Groups of the Coordination Committee based on a one seventh (1/7) cost split. Fresno County will contribute their proportionate share of \$42,858 over three (3) years pursuant to their Activity Agreements or SS-MOA documents with the Authority. Although a GSA Member may pull from the Reserve, it must repay said Reserve for the costs of such Mitigation Measures (as defined by the Policy) within its Service Area within one (1) year. This shall be the direct responsibility of the GSA Member and not of the CD-M GSA as a whole. This MOU is not meant to change any provision of the Policy, but only to identify responsibilities of implementation and cost sharing as a result of the Policy by and among the GSA Members within the CD-M GSA.

REFERENCE MATERIAL:

BAI #6 September 10, 2024
BAI #59, January 29, 2019
BAI #13, May 2, 2017
BAI #11, May 2, 2017
BAI #12, March 7, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU Regarding Implementation of the Domestic Well Mitigation Program

CAO ANALYST:

Maria Valencia