



Board Agenda Item 50

DATE: February 25, 2020

TO: Board of Supervisors

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

SUBJECT: Memorandum of Understanding between the County of Fresno and Pleasant Valley Groundwater Sustainability Agency for the Pleasant Valley Subbasin

RECOMMENDED ACTION(S):

Authorize the Chairman to execute a Memorandum of Understanding with the Pleasant Valley Groundwater Sustainability Agency for implementation of the Sustainable Groundwater Management Act in the Pleasant Valley Groundwater Subbasin.

Approval of the recommended action would authorize execution of a Memorandum of Understanding (MOU) between the County and Pleasant Valley Water District, also known as, for the purposes of the Sustainable Groundwater Management Act, the Pleasant Valley Groundwater Sustainability Agency (PVWD or PVGSA). The recommended MOU will address sustainable groundwater management for the Pleasant Valley Groundwater Subbasin (Subbasin) within the County to achieve sustainable groundwater management within the Subbasin and establish coordinated development and implementation of a single Groundwater Sustainability Plan (GSP), and to avoid conflicts between the GSP and the County's exercise of its land use planning authority. This item pertains to locations in District 4.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; it would result in the County having to prepare a GSP for those portions of the Subbasin that are not within the jurisdictional boundaries of Pleasant Valley Water District (PVWD) and the City of Coalinga. Additionally, if not approved the County would be required to enter into a Coordination Agreement with the other Groundwater Sustainability Agencies (GSA's) within the Subbasin as required by Sustainable Groundwater Management Act (SGMA).

FISCAL IMPACT:

There is no increase in Net County cost associated with the recommended action. The recommended MOU provides that each party shall bear all costs with respect to its activities under the MOU. To date, Department staff activities have been limited to participation at various implementation meetings resulting in a cost approximately \$3,000 to \$4,000 in FYs 2018-19 and 2019-20. Funding for staff costs are included in the Department's Water & Natural Resources Org 4360 FY 2019-20 Adopted Budget. In addition, PVGSA was recently recommended for award of the full amount of their request of \$981,198 from the California Department of Water Resources (DWR) under the Sustainable Groundwater Management Grant Program's Proposition 68 Planning Grant - Round 3 for costs associated with the development of the GSP. If there are additional GSP preparation costs beyond the Department's allocated resources, staff will return to your Board for direction and to request additional resource allocation.

DISCUSSION:

SGMA, signed into law September 2014, and codified at Water Code sections 10720 to 10737.8, established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA allows the formation of locally controlled GSAs in the DWR's higher priority groundwater basins. Each GSA was then required to develop and implement a GSP by January 31, 2020. Sustainability is defined as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results. Failure to implement a GSP and meet its' sustainability goal could result in DWR asserting its authority to manage local groundwater resources.

On February 16, 2017, PVWD submitted a notice of intent to DWR to serve as the exclusive GSA for the Subbasin. The filing included the City of Coalinga and portions of the County that were outside of PVWD's jurisdictional boundary. DWR then notified PVWD that areas outside of the jurisdictional boundary of an agency are considered unmanaged, necessitating both the County and the City of Coalinga to serve a GSA within the Subbasin.

The entire Subbasin consists of approximately 48,216 acres with three separate GSA's (PVWD GSA, 34,659-acres; County of Fresno GSA, 9,306-acres; and the City of Coalinga, 4,251-acres) serving as exclusive GSAs for their respective areas within the Subbasin.

On May 7, 2019 the Board directed Department staff to notify DWR of the County's intent to serve as a GSA for those portions of the Subbasin that are not within the PVWD's or City of Coalinga's jurisdictional boundaries, as shown on Exhibit A.

The recommended MOU is intended to satisfy your Board's direction and establish the County as a party to the GSP being prepared by PVGSA. Department staff and representatives of PVGSA have met and discussed the County's interest and concerns with respect to the proposed GSA formation and GSP development and worked cooperatively to develop the proposed MOU for the Subbasin.

The fundamental purpose of the recommended MOU is to achieve sustainable groundwater management pursuant to SGMA in the Subbasin and establish a process to coordinate development and implementation of the required GSP that would avoid/minimize conflicts between the GSP and the County's exercise of its land use planning authority.

As part of the recommended MOU, PVGSA agrees to consider the interests of the County in developing and implementing its GSP, specifically the County's General Plan. The County will have ongoing opportunities to provide advisory input in the development and implementation of the GSP to prevent conflicts between the GSP and the County's General Plan, and between the operation of the GSA and the County's exercise of its land use planning authority.

The recommended MOU also requires the Director of the Department of Public Works and Planning (Director) to designate a contact person for the County. The Director designates the Water and Natural Resources Division Manager (Division Manager), as the contact person for the County, to whom PVGSA shall provide written notices of opportunities to participate in SGMA implementation. As designee, the Division Manager will have no decision-making responsibilities under the recommended MOU other than the ability to provide comments and recommendations on the GSAs adoption or modification to the GSP or procedures for the exercise of the GSA powers. PVGSA is required under the MOU to consider any comments or recommendation provided by the Division Manager, to achieve the goals of the MOU.

REFERENCE MATERIAL:

BAI #16, May 7, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
On file with Clerk - Memorandum of Understanding

CAO ANALYST:

Sonia M. De La Rosa