



Board Agenda Item 35

DATE: March 25, 2025

TO: Board of Supervisors

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

SUBJECT: SS-MOA Participant Consent to Fourth Amendment to Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute the SS-MOA Participant Consent to Fourth Amendment to Agreement No. 17-075 Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement.

Approval of the recommended action will authorize the County's execution of consent to the fourth amendment between multiple agencies within a portion of the Delta-Mendota (DM) Groundwater Subbasin and further the cooperation between the participating local agencies responsible for the implementation of the Groundwater Sustainability Plan (GSP), as required by the Sustainable Groundwater Management Act (SGMA). 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 delay in the implementation of the GSP required by SGMA.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The County of Fresno's participation costs in the amount of \$10,000 each year for a total of three years will be absorbed within the Department's Org 4360 Services and Supplies FY 2024-25 Adopted Budget. Sufficient appropriations are included in the Department of Public Works and Planning FY 2024-25 Adopted Budget for Org 4360 and will be included in future budget requests.

DISCUSSION:

SGMA, signed into law September 16, 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 allowed the formation of locally controlled Groundwater Sustainability Agencies in Department of Water Resources (DWR) higher priority groundwater basins. Each GSA was then required to develop a GSP by January 31, 2020. Failure to implement a GSP and meet its sustainability goal could result in the State Water Resources Control Board (State) asserting its authority to manage local groundwater resources. The GSP for this region will be re-submitted for review and approval by the State, meeting the required deadline. Implementation of the GSP is ongoing.

In an effort to assure compliance with SGMA within the DM Groundwater Subbasin, whose boundaries are shown in Exhibit A, the Department of Public Works and Planning staff has participated in regular meetings with representatives from the local agencies within this portion of the subbasin. As a result of that collaborative effort, those agencies formed the Central Delta-Mendota Multi-Agency GSA for a portion of the DM Subbasin (Multi-Agency GSA). The County's participation in that Agency's formation was approved by the Board of Supervisors on March 7, 2017, in Agreement No. 17-074. The first and second amendments to Agreement No. 17-074 were approved by your board on October 23, 2018 and the third amendment was approved April 18, 2020.

Additionally, on March 7, 2017, members of the Multi-Agency GSA that were also members of the San Luis and Delta-Mendota Water Authority (Authority) entered into the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement which allowed, among other things, for the Multi-Agency GSA to obtain support services from the Authority related to SGMA. Other agencies in the Central Delta-Mendota region who were not members of the Authority, including the County, entered into a Memorandum of Agreement for Central Delta-Mendota Region Sustainable Groundwater Management Act Services (SS-MOA), Agreement No. 17-075 (Activity Agreement). The Activity Agreement created the Central Delta-Mendota Management Committee (Management Committee) to oversee the coordination of GSAs in the Central Delta-Mendota Region. The SS-MOA allowed agencies who were not members of the Authority, such as the County, to participate on the Management Committee. The Activity Agreement and the SS-MOA also included two agencies that are not part of the Multi-Agency GSA but are part of the Management Committee: Widren Water District GSA and Oro Loma Water District GSA.

In 2019, the parties to the Multi-Agency GSA agreed to develop a joint powers authority (JPA) to help improve efficiency and streamline the decision-making process. The parties agreed to form the Central Delta-Mendota GSA, a JPA, to replace the Multi-Agency GSA. The County joined the JPA under Agreement No. 19-416, which the Board approved on August 20, 2019.

Like the Multi-Agency GSA, the Central Delta-Mendota GSA does not include Widren GSA or Oro Loma GSA. Thus, the JPA left in place the Activity Agreement and the SS-MOA, so that the Management Committee would continue to include them. All the parties to the JPA have remained parties to the Activity Agreement.

The Fourth Amendment would allow parties to amend the Activity Agreement to add the following three definitions to Section 2 of the Activity Agreement: Coordination Committee, Domestic Well Mitigation Policy, and Joint Cost Sharing Account. By approving the proposed amendments to the agreement, GSA's will share a universal language between all agencies allowing them to comply with SGMA and ensure that the GSPs within the Delta-Mendota Subbasin will be developed and implemented utilizing the same methodologies and assumptions. It will also allow the GSA's to fund the Domestic Well Mitigation Program, which the Coordination Committee GSA groups agree to fund, according to their Participation Share, a total of \$300,000 into an interest-bearing Joint Cost Sharing Account. This account shall be funded with \$100,000 per year, for the first three years. The County's share totals \$30,000 over the three-year period. The account will be established to create a prudent reserve to fund activities in accordance with the Domestic Well Mitigation Policy to mitigate the effects that may be felt by domestic water users whose wells have gone dry or are in imminent threat of going dry due to groundwater levels dropping as a result of groundwater management in the Delta-Mendota Subbasin.

REFERENCE MATERIAL:

BAI #35 April 14, 2020
BAI #42 August 20, 2019
BAI #41 October 23, 2018
BAI #12 March 7, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

On file with Clerk - Fourth Amendment to Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement and Consent of SS-MOA Participants

CAO ANALYST:

Salvador Espino