



Board Agenda Item 48

DATE: August 21, 2018

TO: Board of Supervisors

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

SUBJECT: Second Amendment to Memorandum of Understanding with the San Joaquin River Exchange Contractors Groundwater Sustainability Agency

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Second Amendment to Agreement No. 16-112, Memorandum of Understanding with the San Joaquin River Exchange Contractors Groundwater Sustainability Agency, for implementation of the Sustainable Groundwater Management Act in a portion of the Delta-Mendota Groundwater Basin located within Fresno County.

Approval of the recommended action would specifically address inaccuracies in Exhibit A to the First Amendment to the Memorandum of Understanding (MOU) with the San Joaquin River Exchange Contractors Groundwater Sustainability Agency (Agency) to be superseded and replaced with Exhibit A of the recommended amendment. The MOU provides that the Agency will prepare the Groundwater Sustainability Plan (GSP) for certain areas for which the County serves as the Groundwater Sustainability Agency (GSA). The recommended amendment includes four parcels, comprised of 368.46 acres that were inadvertently excluded due to an oversight from Exhibit A to the First Amendment approved by the Board on December 12, 2017. Upon your Board's approval of the recommended amendment, Exhibit A to the First Amendment shall have no further force or effect. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action in which case the County would be obligated to prepare the GSP for the areas that were inadvertently excluded from Exhibit A to the First Amendment.

FISCAL IMPACT:

Approval of the recommended action would result in a Net County Cost. The MOU provides that each party shall bear all costs with respect to its activities under the MOU. To date, activities have been limited to Department of Public Works and Planning staff participation at various implementation meetings resulting in a cost approximately \$3,000. Department staff costs for these activities are and will be absorbed within the Department's Water & Natural Resources, Org 4360 FY 2018-19 Recommended Budget. If there are significant implementation costs beyond the Department's allocated resources, staff will return to your Board for direction and to request additional resource allocation.

DISCUSSION:

The Sustainable Groundwater Management Act (SGMA), signed into law in September of 2014, 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 State's higher priority groundwater basins. Each GSA is then required to develop and implement a GSP to meet the sustainability goal of the basin to ensure operation within its sustainable yield, without causing undesirable results, by January 31, 2020. Failure to implement a GSP in a groundwater basin could result in the State Water Resources Control Board asserting its power to manage local groundwater resources.

On March 15, 2016, the County and Agency entered into the MOU with respect to implementation of SGMA for a portion of the Delta-Mendota Subbasin for coordinating operations in order to achieve sustainable groundwater management, and avoid conflicts between the Agency's implementation of SGMA and the County's land use planning authorities.

On September 28, 2017, the Governor signed into law Senate Bill (SB) 372, creating the San Joaquin River Exchange Contractors Groundwater Sustainability Agency (Exchange Contractors GSA). Pursuant to SB 372, the Exchange Contractors GSA is the successor in interest to the Agency for all purposes related to SGMA, including the rights and responsibilities of the MOU, and is the exclusive GSA empowered to implement and enforce SGMA within the Exchange Contractors' GSA boundary.

Within the exterior boundary of the Exchange Contractors GSA exist a number of discontinuous lands or County islands that are part of Fresno County GSA Management Area B. To avoid duplication of efforts resulting from the proximity of the County islands to the Exchange Contractors GSA boundary, the County and the Exchange Contractors agreed to have these areas included in the Exchange Contractors GSP. The fundamental purpose of the First Amendment to the MOU, approved by the Board on December 12, 2017, was to authorize the County island areas to be included in the Exchange Contractors GSP, to coordinate SGMA implementation and enforcement, including the establishment of monitoring protocols and data exchange, and address fee recovery and enforcement mechanisms applicable to the County island areas. The First Amendment to the MOU also addressed the respective enforcement duties of the County and the Exchange Contractors, as well as cost sharing for GSP preparation.

Among other things, the First Amendment identified lands within the exterior boundary of the Agency GSA territory to be managed by the County as Fresno County GSA Management Area B. The First Amendment identified the lands as "County Islands" and described them by reference to the map attached as Exhibit A to the First Amendment.

Following adoption of the First Amendment, the Parties discovered certain lands that should have been included in the areas for which the Agency will prepare the GSP were inadvertently excluded.

With your Board's approval of the Second Amendment, the Exhibit will be corrected, superseding and replacing Exhibit A to the First Amendment, to provide that the Agency will prepare the GSP for those lands, instead of the County.

REFERENCE MATERIAL:

BAI # 43, December 12, 2017
BAI # 43, March 15, 2016
BAI # 13, January 26, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
On file with Clerk - Second Amendment to MOU with San Joaquin River Exchange Contractors Water Agency

CAO ANALYST:

Sonia M. De La Rosa