



Board Agenda Item 14

DATE: July 12, 2022

TO: Board of Supervisors

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

SUBJECT: Amendments to the Groundwater Sustainability Plan for Fresno County
Management Areas A and B Groundwater Sustainability Agencies

RECOMMENDED ACTION(S):

Adopt resolution approving the Amendments to the Groundwater Sustainability Plan for Fresno County Management Areas A and B Groundwater Sustainability Agencies within the Delta-Mendota Groundwater Subbasin and authorize the San Luis and Delta Mendota Water Authority, acting as Groundwater Sustainability Plan Manager for the subbasin, to submit the amended Groundwater Sustainability Plan to the Department of Water Resources by July 20, 2022

Approval of the recommended action will adopt the amendments to the Groundwater Sustainability Plan (GSP) for Fresno County Management Areas A and B, where the County serves as Groundwater Sustainability Agency (GSA) within the Delta-Mendota Groundwater Subbasin, as required by the California Department of Water Resources (DWR), to maintain local control for managing groundwater resources. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; however, it would result in delay of submitting the required amendments of the GSP by the July 20, 2022, deadline. If the GSP is not submitted by the deadline, intervention from the State Water Resources Control Board (State) will occur, resulting in the loss of local control of groundwater management.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Cost associated with the Sustainable Groundwater Management Act (SGMA) activities are budgeted through the County Administrative Office (CAO) utilizing Interest and Miscellaneous Expenditures Org 2540. Sufficient appropriations and estimated revenues are included in the CAO's Org 2540 FY 2021-22 Adopted 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:

As previously reported, the Sustainable Groundwater Management Act (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 Groundwater Sustainability Agencies to manage groundwater resources within a subbasin at a local level.

Each GSA was then required to develop and implement a GSP or coordinated GSP in subbasins covered by more than one GSA by January 31, 2020.

In the Delta-Mendota Subbasin, the County serves as the GSA for Fresno County Management Areas A and B (FCMAAB). The Delta-Mendota Subbasin includes a total of 23 GSAs.

On January 7, 2020, your Board adopted the GSP for FCMAAB within the Delta-Mendota Groundwater Subbasin (DM Subbasin), as required by the California Department of Water Resources. The GSP was subsequently submitted to DWR on January 23, 2020. Along with the GSP for Management Area A and B, the five other GSPs that cover the DM Subbasin were timely submitted to DWR for review.

On January 21, 2022, DWR completed its review of all the GSPs in the DM Subbasin and released a letter determining that the GSPs for the DM Subbasin as a whole were “Incomplete”. The letter identified deficiencies and corrective actions for the GSAs in the DM Subbasin to take. The deficiencies focused on four areas which included how the GSAs coordinated data use and methodologies, how the GSAs defined undesirable results, how the GSAs defined sustainable management criteria, and how the GSA utilized management areas.

Specifically, the letter states that the GSPs in the DM Subbasin do not use the same data and methodologies; have not established common definitions of “undesirable results” for the DM Subbasin; have not set sustainable management criteria in accordance with State regulations for GSPs; and have not sufficiently addressed the requirements specified in Title 23, California Code of Regulations, section 354.20, relating to the use of management areas within the subbasin.

After receipt of the determination letter, by statute, the GSAs within the Subbasin have 180 days to address the deficiencies and corrective actions and submit to DWR the amended GSP to avoid being referred to the State Water Resource Control Board and be placed on a probationary status. If a basin is placed on probationary status, the State is allowed to assume management of groundwater resources which could include pumping restrictions, mandatory metering and reporting, and imposition of groundwater extraction fees. The resubmittal deadline here is July 20, 2022.

Since the release of the determination letter by DWR, the GSAs in the Subbasin have continued to coordinate to address the deficiencies and to affect the corrective actions and have developed the amendments to Fresno County Management Areas A and B GSPs. In that process, County staff in the Department of Public Works and Planning, Water and Natural Resources Division, have participated in the technical work of revising the GSP to comply with the requirements of SGMA and to remedy all of the deficiencies identified by DWR.

The County received a copy of the final draft revised GSP that is presented to your Board today on July 8, 2022.

REFERENCE MATERIAL:

BAI #5 January 7, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

On file with Clerk - Amendments to Management Area A and Management Area B GSP

CAO ANALYST:

Salvador Espino