



Board Agenda Item 16

DATE: July 12, 2022

TO: Board of Supervisors

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

SUBJECT: Adopt the Amendments to the Groundwater Sustainability Plan for San Joaquin River Exchange Contractors GSP Group in the Delta-Mendota Subbasin

RECOMMENDED ACTION(S):

Adopt resolution approving the Amendments to the Groundwater Sustainability Plan for the San Joaquin River Exchange Contractors Groundwater Sustainability Agency Groundwater Sustainability Plan in the Delta-Mendota 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 of the Groundwater Sustainability Plan (GSP) for the San Joaquin River Exchange Contractors GSP Group in the Delta-Mendota Subbasin (Exchange Contractors GSP) 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:

Approval of the recommended action may result in an increase in Net County Cost. Department staff costs are and will be absorbed within the Department's Water & Natural Resources Org 4360 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 March 15, 2016, the County and the SJRECWA entered into MOU No. 116-112 to implement SGMA for a portion of the Subbasin for the purpose of coordinating operations to achieve sustainable groundwater management and avoid conflict between SJRECWA's implementation of SGMA and the County's land use planning authorities. The MOU further memorialized an agreement pursuant to which the County agreed to work with the SJRECWA in the development of a GSP that would cover a portion of FCMAAB.

On December 10, 2019, your Board adopted the GSP for San Joaquin River Exchange Contractors GSP Group 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 FCMAAB GSP and Exchange Contractors GSP, the four 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. In addition to your Board, the twelve other member agencies of the San Joaquin River Exchange Contractors GSP Group must also approve the GSP.

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 the San Joaquin River Exchange Contractors GSP Group GSP. In that process, County staff in the Department of Public Works and Planning, Water and Natural Resources Division, have participated with SJRECWA 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.

On July 6, 2022, staff received a comment letter from the Environmental Law Foundation via email. This comment letter alleges that the revised GSPs for the DM Subbasin continue to violate SGMA. Given the late receipt of this letter, staff has not had an opportunity to evaluate the points raised by the commentor. A copy of this comment letter is on file with clerk.

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

The other members of the San Joaquin River Exchange Contractors GSP Group will approve the revised GSP by resolution of its legislative body prior to July 20, 2022.

REFERENCE MATERIAL:

BAI #8 December 10, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

On file with Clerk - Amendments to SJRECWA GSA's GSP

On file with Clerk - Environmental Law Foundation comment letter

CAO ANALYST:

Salvador Espino