



# Board Agenda Item 45

DATE: August 23, 2016

TO: Board of Supervisors

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

SUBJECT: Memorandum of Understanding between the County of Fresno and Farmers Water District for a portion of the Delta-Mendota Groundwater Subbasin

RECOMMENDED ACTION(S):

**Authorize the Chairman to execute a Memorandum of Understanding with the Farmers Water District for implementation of the Sustainable Groundwater Management Act in a portion of the Delta-Mendota Groundwater Subbasin, and designate the Director of the Department of Public Works and Planning, or his designee, as the principal contact person for Fresno County.**

Approval of the recommended action would authorize execution of a Memorandum of Understanding (MOU) between the County and Farmers Water District to address sustainable groundwater management for a portion of the Delta-Mendota Groundwater Subbasin within Fresno County, to work cooperatively with Groundwater Sustainability Agencies (GSAs) within the subbasin to achieve sustainable groundwater management, and to establish a process to coordinate development and implementation of the required Groundwater Sustainability Plan (GSP) that would avoid/minimize conflicts between the GSP and the County's exercise of its land use planning authority.

ALTERNATIVE ACTION(S):

The Board may determine not to approve the recommended action.

FISCAL IMPACT:

Approval of the recommended action would result in a Net County Cost. The Memorandum of Understanding (MOU) provides that each party shall bear all costs with respect to its activities under the MOU. To date, activities related to this MOU have been limited to Department staff participation at various implementation meetings resulting in a cost of approximately \$2,000 to \$3,000. Staff costs for these activities are and will continue to be absorbed within the Department's existing Net County Cost allocation in the Department of Public Works and Planning Org 4360 adopted budgets. If there are significant implementation costs that go beyond the Department's allocated resources, staff will return to the 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 the local level by local agencies. The SGMA allows the formation of locally controlled Groundwater Sustainability Agencies (GSAs) in the State's higher priority groundwater basins by June 30, 2017. Each GSA is then required to develop and implement a Groundwater Sustainability Plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated

within its sustainable yield without causing undesirable results. Failure to timely form a GSA and 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 January 26, 2016 the Board directed staff to establish the County as a party to all GSAs formed within Fresno County.

On June 16, 2016 the Farmers Water District submitted a notice of intent to the Department of Water Resources (DWR) to form a GSA for a portion of the Delta-Mendota Groundwater Subbasin. At the time of the filing of the notice of intent, only informal coordination between the Farmers Water District and the County had occurred with no MOU or other agreement being entered into. Since the filing, Department staff and representatives of Farmers Water District have met and worked cooperatively to develop the proposed MOU for that portion of the Delta-Mendota Groundwater Subbasin (See Exhibit A). The proposed MOU has subsequently been approved and executed by the Farmers Water District.

The MOU before you today is intended to satisfy the Boards direction and establish the County as a party to the GSA being proposed by Farmers Water District. Department staff and representatives of the Farmers Water District 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 that portion of the Delta-Mendota Groundwater Subbasin shown on Exhibit A.

The fundamental purposes of the proposed MOU are (a) to achieve sustainable groundwater management pursuant to SGMA in those portions of the Delta-Mendota Subbasin that are within the jurisdictional boundaries of both the Farmers Water District and Fresno County, (b) to work cooperatively with adjacent GSAs to achieve sustainable groundwater management in the Basin, and (c) to 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 MOU, the Farmers Water District agrees to consider the interests of the County, specifically including the County's General Plan, in developing and implementing its GSP. The County will have ongoing opportunities to provide, and the Farmers Water District shall consider, advisory input in the development and implementation of the GSP in order 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 MOU also requires the County to designate a principal contact person or a technical advisory committee to whom the Farmers Water District coordinates the County's participation in SGMA implementation. Staff recommends that the Director of the Department be designated as the principal contact to serve in this capacity. The designee will have no decision-making abilities under the 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. If the designee determines that a proposed adoption or modification is in conflict with the County's General Plan or land use authority, and said proposal is not satisfactorily addressed, the GSA will not proceed with consideration of approval until an authorized representative of the GSA presents justification to the Board of Supervisors at a regularly scheduled and noticed Board meeting. In exchange, the County agrees not to file as a GSA for this area.

REFERENCE MATERIAL:

BAI #13 January 26, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

On file with Clerk - Memorandum of Understanding

CAO ANALYST:

John Hays