



Board Agenda Item 29

DATE: October 18, 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 Westlands Water District for the Westside Groundwater Subbasin

RECOMMENDED ACTION(S):

Authorize the Chairman to execute a Memorandum of Understanding with the Westlands Water District for implementation of the Sustainable Groundwater Management Act in the Westside Groundwater Subbasin, and designate the Director of the Department of Public Works and Planning 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 Westlands Water District to address sustainable groundwater management for the Westside Groundwater Subbasin within Fresno County to achieve sustainable groundwater management within the subbasin, 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. Activities related to this MOU are anticipated to result in a cost of approximately \$12,000 to \$13,000 in FY 2016-17. These costs will be absorbed within the Departments existing net County cost allocation. 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 requires 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 August 3, 2016 the Westlands Water District (WWD) submitted a notice of intent to the Department of Water Resources (DWR) to form a GSA for the Westside Groundwater Subbasin. At the time of the filing of the notice of intent, only informal coordination between WWD and the County had occurred with no MOU or other agreement being entered into.

On January 26, 2016 the Board directed staff to establish the County as a party to all GSAs formed within Fresno County. Department staff and representatives of the WWD have met and worked cooperatively to develop the proposed MOU for the Westside Groundwater Subbasin. The proposed MOU has subsequently been reviewed by the WWD Water Policy Committee and recommend for approval by the WWD Board at their October 18, 2016 regular meeting.

The MOU before you today is intended to satisfy the Board's direction and establish the County as a party to the GSA being proposed by WWD. Department staff and representatives of WWD 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 the Westside Groundwater Subbasin shown on Exhibit "A".

The fundamental purposes of the proposed MOU are to achieve sustainable groundwater management pursuant to SGMA in the Westside Subbasin and 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, WWD 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 WWD 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 principle contact person or a technical advisory committee to whom the WWD 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 present its 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