

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

RESOLUTION OF INTENTION TO UNDERTAKE SUSTAINABLE GROUNDWATER
MANAGEMENT AND TO SERVE AS THE EXCLUSIVE GROUNDWATER SUSTAINABILITY
AGENCY FOR A PORTION OF THE KINGS GROUNDWATER SUBBASIN (FRESNO
COUNTY MANAGEMENT AREA)

WHEREAS, the Sustainable Groundwater Management Act of 2014 (“SGMA”), signed into law on September 16, 2014, requires that each California groundwater basin or subbasin be managed by a Groundwater Sustainability Agency (“GSA”), or multiple GSAs, and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (“GSP”) or multiple GSPs; and

WHEREAS, the County of Fresno (“County”) is a local agency as defined in California Water Code section 10721, subdivision (n); and

WHEREAS, Water Code Section 10723.8, subdivision (c), provides that a decision by a local agency to become a GSA shall take effect 90 days after the State Department of Water Resources (“DWR”) posts notice and provided that no other local agency submits a notification of its intent to undertake groundwater management in all or a portion of the same area. If another notification is filed with the 90-day period, the decision shall not take effect unless the other notification is withdrawn or modified to eliminate any overlap in the areas proposed to be managed. If agreement is not reached, that area of overlap shall be considered an unmanaged area, and the county within which that unmanaged area lies will be presumed to be the groundwater sustainability agency for that area; and

WHEREAS, on March 25, 2017, the Central Kings Groundwater Sustainability Agency (“CKGSA”) filed with DWR to become a GSA for the entirety of the Consolidated Irrigation District boundary. Said filing also included the Cities of Selma, Kingsburg, Fowler, Parlier and Sanger, and the unincorporated communities of Del Rey and Caruthers; and

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1 WHEREAS, on June 6, 2017, within the 90-day period, the South Kings Groundwater
2 Sustainability Agency ("SKGSA"), a joint powers authority ("JPA") comprised of the Cities of
3 Selma, Kingsburg, Fowler, Parlier and Sanger also filed with DWR to become a GSA for all
4 areas within their Sphere of Influence, thus creating overlap within the area covered by CKGSA;
5 and

6 WHEREAS, on or around March 2017, the CKGSA and the SKGSA entered into
7 negotiations to resolve their differences regarding the overlap, but have not yet reached a
8 resolution; and

9 WHEREAS, the State Water Resources Control Board issued a "Frequently Asked
10 Questions on Groundwater Sustainability Agencies" document on March 22, 2017, which
11 indicates that when a county is presumed to be the GSA for a unmanaged area, the county
12 must either opt-out of the presumption or file a GSA formation notice with DWR; and

13 WHEREAS, the County of Fresno desires to prevent the areas of overlap in CKGSA's
14 and SKGSA's respective notifications to DWR from being designated as unmanaged areas; and

15 WHEREAS, the County of Fresno therefore desires to declare its intention to undertake
16 sustainable groundwater management and to serve as GSA in the portion of the Kings
17 Subbasin that is identified in Exhibit A to this resolution, to be designated "Fresno County
18 Management Area" (Management Area); and

19 WHEREAS, Water Code section 10723, subdivision (a), authorizes a local agency under
20 Water Code section 10721, subdivision (n), with water supply, water management, or land use
21 responsibilities, overlying a groundwater basin to elect to become a GSA; and

22 WHEREAS, Water Code section 10723, subdivision (b), provides that, before deciding to
23 become a GSA, a local agency must publish notice pursuant to Government Code section 6066
24 and hold a public hearing in the county overlying the groundwater basin where the agency
25 intends to undertake sustainable groundwater management; and

26 WHEREAS, Water Code Section 10723.2 requires that a GSA consider the interests of
27 all beneficial uses and users of groundwater, as well as those responsible for implementing
28 GSPs; and

1 WHEREAS, on June 26, 2017, and July 3, 2017, the County published notice of a public
2 hearing pursuant to Government Code section 6066; and

3 WHEREAS, the County held a public hearing on July 11, 2017, to consider the adoption
4 of this Resolution and its decision to become a GSA for Management Area A; and

5 WHEREAS, after considering the issue and allowing for public testimony, the Board of
6 Supervisors determined it to be in the best interest of the County to decide to become a GSA for
7 the Fresno County Management Area.

8 NOW, THEREFORE IT IS ORDERED as follows:

9 1. The County hereby elects to be the exclusive GSA for Fresno County
10 Management Area.

11 2. The Director of the Department of Public Works and Planning (Director) is
12 directed to submit this resolution as a notice of intent to the California Department of Water
13 Resources, pursuant to California Water Code section 10723.8, subdivision (a).

14 3. The Director shall create and maintain a list of persons interested in receiving
15 notices regarding GSP preparation, meeting announcements, and the availability of draft
16 plans, maps, and other relevant documents, pursuant to Water Code section 10723.4. Any
17 person may request, in writing, to be placed on the list of interested persons.

18 THE FOREGOING was passed and adopted by the following vote of the Board of
19 Supervisors of the County of Fresno this 11th day of July 2017, to wit:

20 AYES:

21 NOES:

22 ABSENT:

23 _____
CHAIRMAN, Board of Supervisors

24
25 ATTEST:

26 BERNICE E. SEIDEL
Clerk to the Board of Supervisors

27
28 By: _____
Deputy



County of Fresno
Sustainable Groundwater Management Act

EXHIBIT A

