



Board Agenda Item 16

DATE: July 11, 2017

TO: Board of Supervisors

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

SUBJECT: Conduct Hearing and Adopt Resolution to Establish Fresno County as the Exclusive Groundwater Sustainability Agency for a Portion of the Kings Groundwater Subbasin (Fresno County Management Area)

RECOMMENDED ACTION(S):

- 1. Conduct public hearing under Water Code Section 10723 and adopt a Resolution providing that the County of Fresno elects to undertake sustainable groundwater management and serve as the exclusive groundwater sustainability agency for those portions of the Kings Groundwater Subbasin that is defined in the resolution and designated as “Fresno County Management Area.”**
- 2. Direct Department staff to submit to the Department of Water Resources a notice, pursuant to Sections 10723.8 and 10724(b) of the Water Code, that the County of Fresno intends to undertake sustainable groundwater management and serve as the exclusive groundwater sustainability agency for those portions of the Kings Groundwater Subbasin that are designated as “Fresno County Management Area.”**

The recommended actions would authorize Department staff to notify the Department of Water Resources (DWR) that the County of Fresno intends to serve as a Groundwater Sustainability Agency (GSA) for the portion of the Kings Groundwater Subbasin that is designated as “Fresno County Management Area” as identified on Exhibit A. The need for this action is to avoid State intervention resulting from GSA formation boundary overlap conditions created by the proposed Central Kings GSA (CKGSA) and the South Kings GSA (SKGSA).

ALTERNATIVE ACTION(S):

The Board may determine not to approve the recommended action. Failure to approve the recommended action would result in lands left unmanaged by a GSA, and will result in the State Water Resources Control Board asserting its power to manage local groundwater resources in those areas.

FISCAL IMPACT:

Approval of the recommended action would result in a Net County Cost. To date, activities related to this item have been limited to meetings and communication between Department staff and both the CKGSA and SKGSA. Future efforts could incur the cost of the preparation and implementation of a Groundwater Sustainability Plan. The Department will be requesting additional resource allocation within its FY 2017-18 Requested Budget for activities countywide relating to the Sustainable Groundwater Management Act.

DISCUSSION:

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. Fresno County is a local agency as defined SGMA.

SGMA also 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.

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. On June 6, 2017, within the 90-day period, the South Kings Groundwater Sustainability Agency ("SKGSA"), a joint powers authority ("JPA") comprised of the Cities of Selma, Kingsburg, Fowler, Parlier and Sanger, and the unincorporated communities of Del Rey and Caruthers also filed with DWR to become a GSA for all areas within their Sphere of Influence, thus creating overlap within the area covered by CKGSA.

The State Water Resources Control Board has indicated that if an overlap condition exists after the June 30, 2017, deadline to file as a GSA, the entire area would be determined to be unmanaged and the county is presumed to be the GSA for the unmanaged area. In this situation, the county must either opt-out of the presumption or file a GSA formation notice with DWR. In order to avoid potential state intervention, it is recommended that the County adopted the recommended actions and declare its intention to undertake sustainable groundwater management and to serve as GSA in the portion of the Kings Subbasin identified in Exhibit A, "Fresno County Management Area".

REFERENCE MATERIAL:

BAI #8, March 10, 2015

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
On file with Clerk - Resolution

CAO ANALYST:

John Hays