



Board Agenda Item 45

DATE: August 21, 2018

TO: Board of Supervisors

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

SUBJECT: Agreements with Groundwater Sustainability Agencies within the Delta-Mendota Subbasin

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a Coordination Agreement with multiple Groundwater Sustainability Agencies within the Delta-Mendota Subbasin, effective upon execution for a term that is coterminous with the requirements of Sustainable Groundwater Management Act of 2014; and**
- 2. Approve and authorize the Chairman to execute a Cost Sharing Agreement with multiple Groundwater Sustainability Agencies within the Delta-Mendota Subbasin, effective upon execution for a term that is coterminous with the requirements of Sustainable Groundwater Management Act of 2014 (\$327,165).**

Approval of the recommended actions will authorize a Coordination Agreement and Cost Sharing Agreement with multiple Groundwater Sustainability Agencies (GSAs) within the Delta-Mendota Groundwater Subbasin. The recommended Coordination Agreement would establish a framework for coordination between the participating GSAs and groundwater sustainability plan (GSP) development, as required by the Sustainable Groundwater Management Act (SGMA), approved by California Legislature in 2014. The recommended Cost Sharing Agreement describes mechanisms for sharing the costs of participating in a GSP Group in coordination with other GSAs, as required by SGMA. This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions; however, it would likely result in increased costs and delay the preparation of the State Water Resources Control Board (State) required GSP by the January 31, 2020 deadline. If the GSP is not submitted by the deadline, intervention from the State could occur, which could result in the State managing local groundwater resources in the Delta-Mendota Subbasin.

FISCAL IMPACT:

The Net County Cost associated with the recommended actions is estimated at \$57,767. The participating local agencies have established a preliminary budget estimated at \$327,165, but are awaiting approval and authorization of the proposed Coordination Agreement and Cost Sharing Agreement. Each of the six participating GSP Groups will share an equally divided cost percentage totaling 16.7%, or a total estimated cost of \$54,528 per group, see Exhibit A - GSP Groups. The County will absorb the cost for Fresno County Management Areas A & B through appropriations allocated within the Interest and Miscellaneous

Expenditures Org 2540 FY 2018-19 Recommended Budget.

The County's participatory percentage, 5.61% or \$3239, within the Central Delta-Mendota Multi-Agency GSA will be funded through Agreement No. 17-074 approved by the Board on March 7, 2017. Ultimately, the California Department of Water Resources (DWR) will offset all costs of participating in a GSP Group in coordination with other GSAs through the receipt of a portion of the \$1.5 million Proposition 1 Sustainable Groundwater Planning Grant awarded to the West Stanislaus Irrigation District, on behalf of the Delta-Mendota Subbasin. The grant proceeds are not reflected in the proposed Cost Sharing Agreement amount; however, the Department of Public Works and Planning will bring an agreement with the San Luis & Delta-Mendota Water Authority before your Board to distribute the proceeds.

DISCUSSION:

SGMA provides for the establishment of local GSAs to manage groundwater sustainability within groundwater subbasins defined by DWR as Priority Basins. GSAs are responsible for developing and implementing GSPs by January 31, 2020 in basins identified as subject to critical conditions of overdraft, and by January 31, 2022 in all other medium and high priority basins. Failure to comply could result in the State asserting its power to manage local groundwater resources. The Delta-Mendota Groundwater Subbasin is a high priority basin defined by the State as subject to conditions of critical overdraft. Multiple GSAs may also work together to develop a single sustainability plan pursuant to Water Code, section 10727(b)(2), or to develop multiple sustainability plans for a single basin.

When there is more than one sustainability plan for a groundwater basin, the responsible GSAs must coordinate management of the basin through a single coordination agreement that covers the entire subbasin per Water Code, section 10727(b)(3). The coordination agreement, defined as a legal agreement between two or more GSAs for coordinating multiple agencies or sustainability plans within a basin per Water Code, section 10721(d), must be submitted to DWR for review with the submission of the individual GSPs. SGMA requires that each coordinated GSP utilize the same data and methodologies for groundwater elevation data, extraction data, surface water supply, total water use, change in storage, water budget, and sustainable yield per Water Code, section 10727.6.

In an effort to assure compliance with SGMA within the Delta-Mendota Groundwater Subbasin, Department staff has participated in regular meetings with representatives from the local participating GSAs. The County is part of the Central Delta-Mendota Multi-Agency GSA, approved by the Board of Supervisors on March 7, 2017; the action approved by the Board included a cost share mechanism to fund the coordination costs of that GSA. In addition, the County serves as the exclusive GSA for two areas designated as Fresno County Management Areas A and B, approved by the Board on May 2, 2017.

Twenty-four GSAs have formed in the Delta-Mendota Subbasin, see Exhibit B - Delta-Mendota Subbasin Governance Structure. The agencies, other interested parties, and Department staff, have coordinated since August 2017 to develop the recommended Coordination Agreement pursuant to SGMA, as well as the recommended Cost Sharing Agreement to share the cost of coordination with support from the San Luis & Delta-Mendota Water Authority.

The recommended Coordination Agreement requires ongoing participation on the Coordination Committee by each GSA's respective GSP Group Representative. The twenty-four GSAs in the Subbasin are currently preparing six total GSPs. The GSA or GSAs responsible for each of the six individual GSPs are referenced in the recommended Coordination Agreement as "GSP Groups." Each of these GSP Groups has a GSP Group Representative on the Coordination Committee. Department staff will coordinate with GSP Group Representatives during the regular Management Committee meetings and continue development of the GSP.

The recommended Cost Sharing Agreement describes the mechanisms for sharing the costs of participating in a GSP Group in coordination with other GSAs, as required by SGMA. Department staff

agrees that the coordination activities would be required individually to comply with SGMA and that coordination will ultimately reduce costs to the involved agencies. By signing the recommended Cost Sharing Agreement, the agencies will authorize GSP Group Representatives to approve proposed expenses required for the coordination efforts, subject to the agencies' opportunity for review. Department staff recommends that your Board sign the proposed Cost Sharing Agreement to allow for input and full participation.

REFERENCE MATERIAL:

BAI # 13, May 2, 2017
BAI # 11, May 2, 2017
BAI # 12, March 7, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
On file with Clerk - Delta-Mendota Subbasin Coordination Agreement
On file with Clerk - Cost Sharing Agreement Delta-Mendota Subbasin Coordination

CAO ANALYST:

Sonia M. De La Rosa