



Board Agenda Item 41

DATE: October 23, 2018

TO: Board of Supervisors

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

SUBJECT: Amendments to the Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement and Consent of SS-MOA Participants

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute Second Amendment to Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement and Consent of SS-MOA Participants for the Central Delta-Mendota Region Sustainable Groundwater Agency; and**
- 2. Approve and authorize the Chairman to ratify prior execution of First Amendment to Central Delta-Mendota Region Sustainable Groundwater Management Act Services Activity Agreement and consent of SS-MOA Participants; and**
- 3. Authorize the Chairman to designate Bernard Jimenez, Assistant Director of Department of Public Works and Planning, along with Glenn Allen, Division Manager of Water and Natural Resources, as additional alternates to serve as a member of the Steering Committee for Central Delta-Mendota Multi-Agency Groundwater Sustainability Agency.**

Approval of the recommended actions will authorize Oro Loma Water District located within Fresno County as a new member of the Central Delta-Mendota Region Sustainable Groundwater Management Act Services - Memorandum of Agreement (SS-MOA). Ratification of the proposed first amendment and approval of the proposed second amendment would further the cooperation between the participating local agencies responsible for the implementation of a Groundwater Sustainability Plan (GSP) as required by the Sustainable Groundwater Management Act (SGMA). This item pertains to locations in District 1.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve the recommended actions; however, it would likely result in increased costs and a delay in 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:

Approval of the recommended actions would result in an increase in Net County Cost. The participating local agencies will share costs based on participation percentages, with the County's percentage at 13.7%. The percentage allocation is comprised of 50% acres in service area plus 50% equal distribution among

activity participants. Ultimately, the California Department of Water Resources (DWR) will offset all costs of participating in a GSP Group in coordination with other local agencies 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 second amendment, however, the Department of Public Works and Planning will bring an agreement with the San Luis and Delta-Mendota Water Authority (Authority) before your Board to distribute the proceeds.

DISCUSSION:

SGMA signed into law in September of 2014, established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA allows the formation of locally controlled GSAs in the State's higher priority groundwater basins. Each GSA is then required to develop and implement a GSP to meet the sustainability goal of the basin to ensure operation within its sustainable yield, without causing undesirable results, by January 31, 2020. Failure to implement a GSP in a groundwater basin could result in the State asserting its power to manage local groundwater resources.

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. As a result of this collaborative effort it was determined that the group would form a multi-agency GSA and enter into an agreement to coordinate efforts. Therefore, the agreement to establish the Central Delta-Mendota Multi-Agency GSA for a portion of the Delta-Mendota Region was approved by the Board of Supervisors on March 7, 2017 along with the Memorandum of Agreement with the authority to coordinate access to the administrative and technical resources available through the authority.

The Memorandum of Agreement serves as a framework providing principles and terms under which the parties have organized themselves to cooperate as a single multi-agency GSA while developing efficient means to prepare, submit, and implement a GSP, which will sustainably manage groundwater resources within a portion of the subbasin, in accordance with SGMA. As part of the agreement, a Steering Committee was formed with one appointed member and an alternate from each of the participating local agencies. Agencies participating in the agreement include the Eagle Field Water District; the County of Fresno; Fresno Slough Water District; the County of Merced; Mercy Springs Water District; Oro Loma Water District; Pacheco Water District; Panoche Water District; San Luis Water District; Santa Nella County Water District; Tranquillity Irrigation District; and, Widren Water District, refer to Exhibit A. The purpose of the Steering Committee is to coordinate, advise, and recommend actions required for the implementation of SGMA to be submitted for approval by each of the participating local agencies.

It is the intent that the proposed second amendment will be signed by each of the participating local agencies within the Central Delta-Mendota Multi-Agency GSA. The proposed amendment will authorize the admission of the Oro Loma Water District, a member of the Authority, to become a member of the Memorandum of Agreement and execute the amendment. As part of the amendment, the participation percentages for all of the members and participants shall be adjusted to reflect the allocation described in Exhibit B.

Attachment 1 to the proposed second amendment includes processes and procedures for participation in the Delta-Mendota Subbasin Coordination Agreement approved by your Board on August 21, 2018 for the local GSAs participating in GSP implementation and development within the Delta-Mendota Groundwater Subbasin. The attachment addresses how the Northern and Central Delta-Mendota Region GSP Group will participate as a group in GSP development. The Central Delta-Mendota Management Committee for the Central Delta-Mendota Multi-Agency GSA is authorized to appoint a GSP Group representative for the Central Delta-Mendota Region's Coordination Committee Member (GSP Group Representative) and Coordination Committee Alternate Member (Alternate) to the Coordination Committee established under the Delta-Mendota Subbasin Coordination Agreement, upon a unanimous vote of the Management Committee. Each serving two-year terms.

Due to time constraints and the minor nature of the amendment (acknowledging the withdraw of a participating member), the first amendment was executed by the Board of Supervisors'-appointed representative. The first amendment is now before your Board for ratification.

Approval of the third recommended action will authorize the designation of Bernard Jimenez, Assistant Director of the Department, and Glenn Allen, Division Manager of the Department's Water and Natural Resources Division to serve as additional Steering Committee alternates. Due to the scope of multiple meetings among various local GSAs within the subbasin, the added alternate will assist in assuring committee attendance requirements are met.

REFERENCE MATERIAL:

BAI #40 August 22, 2017

BAI #12 March 7, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A

Exhibit B

On file with Clerk - Second Amendment to Central Delta-Mendota Region SGMA Services Activity Agreement and Consent of SS-MOA Participants

On file with Clerk - First Amendment to Central Delta-Mendota Region SGMA Services Activity Agreement and Consent of SS-MOA Participants

CAO ANALYST:

Sonia M. De La Rosa