



**COUNTY ADMINISTRATION  
OFFICE  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One  
PETE VANDER POEL  
District Two  
PHILLIP A. COX  
District Three  
J. STEVEN WORTHLEY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** September 1, 2015

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Denise England    PHONE: 636-5005				

**SUBJECT:** Sustainable Groundwater Management Act Implementation

**REQUEST(S):**

That the Board of Supervisors:

1. Receive an update on the Sustainable Groundwater Management Act
2. Direct staff regarding implementation of the Act

**SUMMARY:**

**Sustainable Groundwater Management Act**

On January 1, 2015 the Sustainable Groundwater Management Act (SGMA) went into effect. According to Water Code Section 10720.1 (d) and (h), the intent of SGMA is “to provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater,” and “to manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary, to ensure that local agencies manage groundwater in a sustainable manner.”

**Groundwater Sustainability Agencies**

SGMA requires local water agencies in high priority basins to organize and form Groundwater Sustainability Agencies (GSA) to implement the requirements of the Act by June 30, 2017. The Department of Water Resources’ (DWR) Bulletin 118 identifies existing groundwater basins and sub-basins. On January 31, 2015 DWR updated the list of high priority basins. In Tulare County there are large portions of three high priority sub-basins, and one small area of a fourth high priority sub-basin. The sub-basins are as follows: Kings, Kaweah, Tule, and Tulare Lake. According to Water Code Section 10721 (j) and (m) a GSA is defined as “one or more local agencies” and a local agency is defined as “a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” The Act provides powers and authorities for GSAs to carry out the provisions of the Act.

The County’s role in SGMA implementation is to be party to GSA formation, is the

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presumed GSA if one is not formed, and to coordinate with GSAs on Land Use and General Plan decisions. The County may delegate well permitting authority to GSAs and GSAs have the authority to review well permits should the County maintain well permitting authority.

In order to form a GSA public outreach must be performed. SGMA requires outreach to all of the interests and beneficial uses and users of groundwater. These include, but are not limited to: agricultural users, urban users, domestic well users, local planning agencies, environmental users, federal government, tribes, and others. Once public outreach is complete, noticing and a public hearing must be conducted. After the public hearing a notice is provided to DWR and a 90 day Objection to Notice period begins. After the 90 day period the noticing entity becomes a GSA. SGMA requires that boundaries of GSAs not overlap and that the entire sub-basin be covered. If the entire sub-basin is not covered by June 30, 2017 the State Water Resources Control Board (SWRCB) may designate a basin as a probationary basin.

### **Basin Boundaries**

SGMA allows for basin boundary adjustments. DWR is developing regulations for boundary adjustment requests. The California Water Commission must adopt the proposed regulations and is expected to do so in late 2015. The adopted regulations will go into effect on January 1, 2016 then DWR would accept proposals for changes during a 90 day period from February thru April 2016. Basin boundary modifications will be reviewed by DWR and published in the Bulletin 118 update in 2017. The proposed regulations allow for an internal jurisdictional modification. This modification type snaps sub-basin boundaries to jurisdictional boundaries, such as County lines.

### **Groundwater Sustainability Plans**

Groundwater Sustainability Plans (GSP) may be a single plan covering the entire sub-basin developed and implemented by a single GSA, a single plan covering the entire sub-basin developed and implemented by multiple GSAs, or multiple plans developed and implemented by multiple GSAs and coordinated pursuant to a single coordination agreement that covers the entire sub-basin. The purpose of the GSP is to prevent undesirable results including: unreasonable reduction of groundwater storage, chronic lowering of groundwater levels, sea water intrusion, degraded water quality, land subsidence that substantially interferes with surface land uses, and adverse impacts on surface water due to depletion of interconnected surface water.

If multiple GSPs are prepared, all GSPs within a sub-basin must utilize the same data and methodologies for the following assumptions: groundwater elevation data, groundwater extraction data, surface water supply, total water use, change in groundwater storage, water budget, and sustainable yield.

### **State Intervention**

If a high priority basin, or portion thereof, is designated as probationary due to a lack of formation of a GSA, the SWRCB may begin to develop an interim plan for the basin on January 1, 2018. SGMA also requires that all high priority basins be managed under a GSP by January 31, 2020 and must reach sustainability by January 1, 2025. If a basin, or portion thereof, is designated as probationary due to a deficient GSP, the SWRCB may develop an interim plan beginning January 31, 2020.

## **SGMA Implementation in Tulare County**

### **Kings Sub-Basin**

The majority of the Kings sub-basin is located in Fresno County. An effort in Tulare County to form the Kings East GSA has been moving forward under the leadership of Alta Irrigation District. The majority of the Tulare County portion of the Kings sub-basin would be covered under the Kings East GSA. A small portion of Tulare County is within Consolidated Irrigation District. To date Consolidated Irrigation District is contemplating forming a stand-alone GSA to implement the Act. The balance of the Kings sub-basin has several GSA formation efforts moving forward. A monthly

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coordinating meeting is held at the Kings River Conservation District and is attended by staff.

The Kings East group introduced AB 1135 sponsored by Assemblyman Perea to create a Special Act District. The Bill has been converted to a two year bill and the group is assessing what would be the best path forward to create their GSA.

Once formed, two internal jurisdictional basin boundary modifications will most likely be requested by the Kings East GSA. The southern boundary is proposed to match the Alta Irrigation District boundary and the western boundary is proposed to follow the county line. A scientific basin boundary modification may be requested to include the currently excluded Smith Mountain portion of the sub-basin. The northern boundary for the GSA will be vetted with the County of Fresno.

### **Kaweah Sub-Basin**

The public agencies and stakeholders in the Kaweah sub-basin have received facilitation services funded by the SWRCB. The group has had five meetings since March. Outside of the facilitated process the Mid-Kaweah Joint Powers Authority (JPA) was formed. The JPA consists of the Cities of Visalia and Tulare, and Tulare Irrigation District.

The member agencies have published notices to become a GSA. The boundary for the Mid Kaweah GSA is proposed as the boundary of the three member agencies. While the agencies have indicated that they are open to adding members in the future, additional members are not being considered at this time. A boundary issue that the Mid-Kaweah JPA group has is that there are several County islands within the city limits of Visalia. The County has not been approached to resolve this jurisdictional issue.

The balance of the Kaweah sub-basin public agencies is comprised of Kaweah Delta Water Conservation District, the County, the Cities of Woodlake, Exeter, Farmersville, and Lindsay, and five Districts outside of Kaweah Delta's boundaries. The Kaweah Delta Water Conservation District has a groundwater model for the entire sub-basin and is the custodian of the Kaweah Groundwater Management Plan that was written in compliance with AB3030 and SB1938.

The Kaweah Delta Board has met several times regarding SGMA and are weighing their options carefully before committing to becoming a GSA. The four cities have expressed an interest in partnering with the County to form a GSA. The remaining districts have been engaged in the facilitated process, but have not made any formal commitments.

The boundaries of the Kaweah sub-basin may require a modification on the western edge. Agencies in Kings County are meeting regularly to identify their path forward. If the southern boundary of the Kings sub-basin is modified as proposed by the Kings East GSA, the Kaweah sub-basin northern boundary would be impacted. The remaining boundaries would most likely remain unchanged.

### **Tule Sub-Basin**

The public agencies in the Tule sub-basin are discussing forming multiple GSAs developing and implementing multiple GSPs with a sub-basin wide coordination agreement. There has been some discussion of forming an implementing JPA which would be responsible for implementing the multiple GSPs within the sub-basin.

An area of concern in the Tule sub-basin is along the western boundary. A small portion of the Tulare Lake sub-basin juts into the Tule encroaching into Tulare County. It is recommended that an internal jurisdictional basin boundary modification be requested to adjust the Tule sub-basin boundary to the County line, thereby eliminating a fourth sub-basin in the County. The Basin Modification process creates a timing issue in the Tule sub-basin.

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Requesting a sub-basin boundary modification must be done in conjunction with forming a GSA. The time line to submit a modification request is early 2016. The area subject to the proposed modification is mostly outside of a district and the County is the only public agency with jurisdiction for most of the area. A small portion of the area in question is under the jurisdiction of Alpaugh Irrigation District and Angiola Water District. Consent and support from both districts would be required prior to requesting a boundary modification. Without knowing what the other public agencies may do relative to GSA formation it will be difficult for the County to define the areas of the sub-basin the County will cover. This may interfere with the ability to request a boundary modification and there will not be another opportunity to request a modification again until 2020.

**Next Steps**

Staff is requesting direction for the implementation of SGMA in the three high priority sub-basins in Tulare County. While the cost to form a GSA is minimal, should the County elect to become a GSA in the future, preparation of a GSP will be costly. Data collection and modeling costs could be well over \$1 million per sub-basin.

**FISCAL IMPACT/FINANCING:**

There are no additional costs associated with this request.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's Strategic Plan includes an initiative to provide for the safety and security of the public which includes the goal of providing an adequate and safe water supply.

**ADMINISTRATIVE SIGN-OFF:**

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Denise England  
Water Resources Program Manager

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF SUSTAINABLE )  
GROUNDWATER MANAGEMENT ACT ) Resolution No. \_\_\_\_\_  
IMPLEMENTATION ) Agreement No. \_\_\_\_\_

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Received an update on the Sustainable Groundwater Management Act
2. Directed staff regarding implementation of the Act