



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Water Agency
Department No.: 054
For Agenda Of: March 14, 2017
Placement: Departmental
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Water Agency

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: San Antonio Creek Valley Groundwater Basin Groundwater Sustainability Agency Formation; Third, Fourth, and Fifth Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

- a) Direct staff to negotiate a Memorandum of Understanding with the Cachuma Resource Conservation District to establish an advisory committee in lieu of participating as a voting member of the Groundwater Sustainability Agency for the San Antonio Creek Valley Groundwater Basin; and
- b) Determine that the proposed actions are not a project under the California Environmental Quality Act, pursuant to Guidelines Section 15378(b) (5), organization or administrative activities that will not result in a direct or indirect physical change in the environment.

Summary Text:

This item is on the agenda in order to request Board direction on Water Agency's participation in Groundwater Sustainability Agency (GSA) formation in the San Antonio Creek Valley Groundwater Basin. The Sustainable Groundwater Management Act (SGMA) directs local public agencies with water or land use authority to form GSAs in groundwater basins designated by the California Department of Water Resources (DWR) as medium- or high-priority by June 30, 2017. The San Antonio Creek Valley Basin is a medium-priority basin.

At your Board's direction, the Water Agency has been participating in GSA formation discussions with the Cachuma Resource Conservation District (CRCD), Vandenberg Air Force Base (VAFB), and the

Los Alamos Community Services District (LACSD). CRCD is involved in these discussions in response to being asked by agricultural stakeholders in the basin to provide them with representation. VAFB and the LACSD have indicated a preference to serve in an advisory capacity to the GSA. A working group, consisting of the agencies in the basin and stakeholders, has met roughly monthly since April to work on GSA formation.

On December 5, 2016, your Board directed staff to continue negotiations towards formation of GSA with the CRCD, with a 7:1 voting structure. Under this structure, seven voting GSA Board seats would be appointed by the CRCD Board of Directors, and one voting Board seat would be appointed by the Water Agency Board of Directors. The seven CRCD board members would be appointed by the CRCD Board of Directors to represent various basin interests, based roughly on water use, as follows: Vines (2 votes), Row Crops (2 votes), Orchards (1 vote), Cattle (1 vote), and Transitional Land Use (1 vote).

After receiving this direction, Water Agency staff continued negotiating with the CRCD, landowners, the LACSD, and VAFB regarding forming a GSA through a Joint Powers Agreement (JPA). Two primary issues under discussion are 1) the number of votes necessary to approve the required Groundwater Sustainability Plan, and 2) the potential for CRCD to automatically assign their rights and obligations under the agreement to a water district, if and when one is formed by water users in the Basin. As these discussions have continued, it has become apparent that there is little benefit to the Water Agency, the CRCD, or to the local landowners for the Water Agency to continue to participate in the GSA with only a single vote.

If the Water Agency were to withdraw from the GSA formation process, the CRCD would be able to file with DWR as the sole GSA for the basin. The Water Agency would continue to participate in the GSA, but as a member of an advisory committee with LACSD and VAFB, rather than as a minority voting member. If directed by the Board, Water Agency staff will work on and return to the Board with a memorandum of understanding (MOU) with the CRCD to establish this advisory role. The MOU would also include provisions that all GSA meetings be subject to Brown Act requirements for public notice and participation. Withdrawing from voting membership in the GSA would not affect the Water Agency's ongoing Water Availability Study, which is being conducted in conjunction with the U.S. Geological Survey and VAFB. If CRCD does not file with DWR as the GSA, Water Agency staff will return to your Board with a recommendation for the Water Agency to file as the GSA.

If the CRCD fails to prepare a Groundwater Sustainability Plan approved by DWR, the State Water Resources Control Board (SWRCB) would act as the State backstop in the Basin. CRCD's Board has begun the process of raising funding from local landowners to support the operation of the GSA. Landowners in the basin are also considering formation of a water district, which could take over groundwater management responsibilities from the CRCD at a later date.

Background:

SGMA was signed into law by Governor Brown in 2014. SGMA provides a framework for the sustainable management of groundwater supplies by local agencies and provides tools, authority, and a timeline for local agencies during the 20-year implementation period. SGMA requires sustainable management of the County's basins that are designated as medium- or high-priority by DWR. In Santa Barbara County these basins include the Cuyama Valley, San Antonio Creek Valley, Santa Ynez River Valley, Goleta Valley, and Santa Maria River Valley Groundwater Basins.

SGMA allows any local agency with water or land use management authority to become a GSA; in some cases, there may be multiple agencies that are interested in jointly managing the groundwater resources. SGMA allows multiple local agencies to act as a single GSA through a Memorandum of Agreement (MOA), a JPA, or any other legal agreement (California Water Code, Section [§] 10723.6 (a)). Additionally, although the federal government and federally-recognized Indian Tribes are not required to form GSAs, they may voluntarily participate in SGMA through a JPA or other agreement (§ 10720.3 (c)).

Submitting a GSA notification to DWR initiates a 90-day period after which the submitting agency is presumed to be the exclusive GSA in the area covered by the notification. If local agencies submit GSA notifications for overlapping areas, no agency will become the GSA until the agencies reach agreement on sharing the authority to manage the basin (§ 10723.8 (c)). If the local agencies cannot reach agreement, the basin may be designated as a probationary basin and the SWRCB may develop an interim plan for managing the basin until the agencies can reach agreement and identify a GSA or GSAs (§ 107352.2(a)(1)).

Each basin's GSA will be responsible for developing a Groundwater Sustainability Plan (GSP) for the basin. DWR regulations to guide local GSP development were approved by the California Water Commission on May 18, 2016 and go into effect June, 2016. GSPs must be adopted by January 31, 2020 for those basins deemed by the State to be critically overdrafted (Cuyama), and by January 31, 2022 for all other medium- or high-priority basins (San Antonio, Santa Ynez, Santa Maria, Goleta). SGMA and DWR's regulations require a GSA to engage interested parties in the development and implementation of the GSP. In addition, a GSP may only be adopted at a public hearing 90 days after the GSA has provided notice to the County of its intent to adopt a GSP. The County may request consultation with the GSA after receiving the notice (§ 10728.4). Once a GSP is adopted, it must be submitted to DWR for approval, which starts a 60 day public comment period.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

There are no fiscal impacts associated with this action.

Special Instructions:

Direct the Clerk of the Board to send a copy of the minute order of these actions to the Water Agency office, Attn: Christina Lopez.

Attachments:

Attachment A – PowerPoint Presentation

Authored by:

Matt Young, Water Resources Program Manager, 568-3546