



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: May 9, 2017
Placement: Departmental
Estimated Time: 20 minutes
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: Santa Maria Groundwater Basin Fringe 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) Approve forming a Groundwater Sustainability Agency and adopt the Resolution entitled "Resolution to Form a Groundwater Sustainability Agency Pursuant to the Sustainable Groundwater Management Act for Santa Maria Groundwater Basin Non-Adjudicated Fringe in Santa Barbara County"; and
- b) Determine that the proposed action is 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 to request Board approval to form a Groundwater Sustainability Agency (GSA) for the Santa Maria Groundwater Basin (Basin) non-adjudicated fringe areas located within Santa Barbara County, pursuant to the Sustainable Groundwater Management Act (SGMA).

The majority of water users on the Basin have undergone the lengthy legal process of adjudication, and are therefore not subject to most of the requirements of SGMA (Water Code § 10720.8(a)(18)). However, the boundary of the adjudication does not completely match with the basin boundary as defined in the California Department of Water Resources' (DWR) Bulletin 118, leaving "fringe" areas which are not managed pursuant to the adjudication. DWR has designated the Basin to be a high-priority

basin. SGMA requires that all portions of medium- and high-priority basins be managed, and a GSA is therefore required for these fringe areas.

These fringe areas, shown on the map included as Attachment A, include a portion of the Cuyama River from Twitchell Reservoir to the adjudicated basin, an area along Tepesquet Creek, a short reach of the Sisquoc River, and a narrow fringe along the southern edge of the adjudicated basin. Larger fringe areas are located in the County of San Luis Obispo. The Water Agency partnered with the County of San Luis Obispo to hold public meetings on September 14, 2016 and March 9, 2017. The County of San Luis Obispo Board of Supervisors will consider forming a separate GSA over the fringe areas in their county on May 16, 2017.

As the sole entity forming the GSA, the Water Agency Board of Directors would be the decision-making authority for the GSA. Staff would bring recommendations and requests for policy guidance to the Board as needed. In addition, regular briefings will be scheduled at a frequency determined to be appropriate by the Board. The fringe areas represent a small portion of overall basin water use and it is unclear what preparation of a Groundwater Sustainability Plan (GSP) would accomplish in these areas. Forming a GSA would protect water users in the fringe areas from State intervention while giving the Water Agency time to work with DWR and the State Water Resources Control Board (SWRCB) to determine what it means to manage these small areas, with limited water use and limited impact on the adjudicated basin. If the Water Agency does not form a GSA over the fringe areas within the County of Santa Barbara, groundwater users in these areas would become subject to the onerous State Water Resources Control Board (SWRCB) reporting and fee requirements detailed in Attachment B. There is also the possibility of requesting a basin boundary revision from DWR in 2018 to remove some of these areas from the DWR Bulletin 118 basin.

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.

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 went into effect in June 2016. GSPs must be adopted by January 31, 2020 for those basins deemed by the State to be critically overdrafted and by January 31, 2022 for all other medium- or high-priority basins (including Santa Maria). 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: Yes

Fiscal Analysis:

Narrative:

Staff time associated with SGMA and GSA formation was included in the Adopted 2016-17 budget in the Water Resources Division of the Public Works as shown on page D-319 in the budget book. For future fiscal years, costs will likely be met from financing options available to the GSA, as authorized by SGMA. There are no General Fund monies associated with this Board action.

Special Instructions:

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

Attachments:

- Attachment A – Santa Maria Groundwater Basin Map
- Attachment B – State Water Resources Control Board Fee Schedule
- Attachment C – Resolution – Santa Maria Groundwater Basin
- Attachment D – PowerPoint Presentation

Authored by:

Matt Young, Water Resources Program Manager, 568-3546