



MEMORANDUM

TO: SLDMWA Board of Directors, Alternates

FROM: John Brodie, Water Resources Programs Manager

DATE: July 13, 2023

RE: Board of Directors to Consider Authorizing Execution of Agreement with EKI Environment & Water, Inc. for SGMA Support Services and \$1.5 Million Increase to Activity Agreement (Fund 63) Budget

BACKGROUND

In July 2018, the San Luis & Delta-Mendota Water Authority (“Water Authority”) executed the Delta-Mendota Subbasin Coordination and Cost-Sharing Agreements, which established the Water Authority’s role as a coordinating partner for the 23 Groundwater Sustainability Agencies and 6 Groundwater Sustainability Plans for the Delta-Mendota Subbasin (D-M Subbasin). Since that time, the Water Authority staff has served as the SGMA Point of Contact for the California Department of Water Resources (DWR) and as a facilitator and program management entity for coordinated activities in the D-M Subbasin, including GSP submittal, grant preparation and coordination, and fiscal agent.

In December 2020, the D-M Subbasin parties submitted 6 Groundwater Sustainability Plans to DWR for review and approval. In March 2023, DWR provided a letter to the D-M Subbasin GSP Regions indicating that DWR deemed the GSPs “Inadequate” for a number of reasons detailed in the letter transmitting the determination. In response to the Inadequate determination, the regulatory authority for approving the GSPs has shifted from DWR to the State Water Resources Control Board (SWRCB). On April 4, the SWRCB held an informational hearing on the SWRCB’s process to address the six basins that have been deemed inadequate, with a second meeting of the SWRCB to set the dates of potential probationary hearings for the 6 subbasins deemed “inadequate”. The SWRCB indicated in its June meeting that the D-M Subbasin is proposed for a probationary hearing in September of 2024. In response to the inadequate determination and the probationary hearing date, the D-M Coordination Committee has been meeting to develop a plan to address the deficiencies identified by DWR, released a RFP to solicit consultants to address the deficiencies and to combine the 6 current GSP’s in the D-M Subbasin into a single, Subbasin-wide GSP.

The Coordination Committee will meet on July 10, 2023, and will be voting to recommend that the Authority Board approve a budget increase to the Fund 63 budget and to issue an

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amendment to Task Order F24-AA63-001-EKI in the amount of \$1,500,000 to address deficiencies identified by DWR in its inadequate determination letter.

ISSUE FOR DECISION

Whether the Board of Directors should approve the D-M Subbasin Coordination Committee recommendation to increase the Fund 63 budget by \$1,500,000 and authorize an amendment to Task Order F24-AA63-001-EKI in the amount of \$1,500,000 to provide support to the D-M Subbasin on the Inadequate Determination by DWR.

RECOMMENDATION

Staff recommends the Board approve the budget increase and Task Order amendment.

ANALYSIS

Six Groundwater Sustainability Plans (GSPs) including a Common Chapter and Coordination Agreement were submitted to DWR from the Delta-Mendota Subbasin in January, 2020. The submission was designed to meet the Subbasin's requirements under SGMA. On January 21, 2022 DWR determined the Subbasins GSPs to be incomplete, triggering a 180-day deadline for the 23 Groundwater Sustainability Agencies (GSAs) to address the deficiencies identified by DWR. The revised GSPs and Common Chapter were submitted to DWR on July 20, 2022.

DWR reviewed the revisions made by the GSAs and on March 2, 2023 issued a final determination for the Subbasin's plans as "inadequate." The determination transfers oversight of the Subbasin to the State Water Resources Control Board (SWRCB) as the GSAs work toward amending the GSPs to reach "approved" status. The Subbasin Coordination Committee engaged EKI under its existing Task Order (F24-AA63-001-EKI) to begin the process of amending the GSPs, with a focus on Sustainable Management Criteria (SMCs) and a Subbasin-wide water budget.

Since then, the Coordination Committee issued a request for proposals to create a single GSP for the Subbasin, and selected EKI as the consultant to complete the work, which includes addressing the requirements under SGMA for a Periodic Review of the GSP.

BUDGET

The Coordination Committee will be meeting to take action to increase the budget of Fund 63 by \$1,500,000 to accommodate funding for increased provision of services by consultants to the D-M subbasin.