

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
WEDNESDAY, JUNE 03, 2020**

**MINUTE ORDER NO. 1**

**SUBJECT: NOTICED PUBLIC HEARING:  
RECOMMENDATION FOR COUNTY OF SAN DIEGO PARTICIPATION IN  
GROUNDWATER MANAGEMENT OF THE BORREGO VALLEY  
GROUNDWATER BASIN (DISTRICT: 5)**

**OVERVIEW**

On October 19, 2016 (1), the Board of Supervisors (Board) entered into a Memorandum of Understanding with the Borrego Water District to establish a Groundwater Sustainability Agency (GSA) over the Borrego Valley Groundwater Basin (Basin) (Attachment A) as required by the State of California's Sustainable Groundwater Management Act (SGMA). The purpose of a GSA under SGMA is to develop a Groundwater Sustainability Plan (Sustainability Plan) to achieve long-term groundwater sustainability in a basin.

To facilitate and support the Water Rights Holders Stipulated Agreement (Stipulated Agreement) process that was being undertaken in the Basin, on October 16, 2019 (10), the Board authorized the County of San Diego's (County) withdrawal from being a GSA without adopting the Sustainability Plan. The Stipulated Agreement is an alternative to the adoption and implementation of a Sustainability Plan by a GSA and allows water rights holders in the Basin to utilize the Sustainability Plan and work together collectively to determine their water rights and manage the Basin through a court-approved process.

Representatives from agriculture, golf courses, and municipal (Borrego Water District) groundwater pumpers in the Basin negotiated terms in a Stipulated Agreement, which was filed by the Borrego Water District with the Superior Court of California (Court) on January 31, 2020. Once a judgement is approved by the Court, the Stipulated Agreement will allow groundwater pumpers to be involved in managing their own groundwater resources and provide a comprehensive determination of groundwater rights in the Basin. The Stipulated Agreement includes the establishment of a Watermaster, governed by a Watermaster Board that is tasked with ensuring that water is allocated according to the established water rights as determined by the Court. The Watermaster Board will function similarly to the role of the GSA that the Board recently rescinded for the County in the Basin. The Watermaster Board will also collect fees, impose reductions on groundwater use, and keep the long-term reduction schedule. The stipulating parties have requested the County's participation on the Watermaster Board along with a representative from the agricultural sector, golf courses, the municipal sector, and the Borrego Springs community.

Staff recommends that the County attend the Watermaster Board meetings as a community participant, and also recommends technical staff with subject matter expertise sit on the Technical Advisory Committee (Advisory Committee). Participation at this level will ensure the integration of groundwater sustainability measures with the County's existing land use and well-permitting responsibilities. Since the County is not a water manager or supplier in the Basin, staff is not recommending the County participate as a formal member of the Watermaster Board.

This item is a request for the Board to authorize staff to notify the stipulating parties of the County's intent not to serve on the Watermaster Board for the Basin, but reiterate the County's commitment to the participation in the program overall, through regular staff level attendance at Watermaster Board meetings and participation on the Advisory Committee.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Determine that the proposed action is not subject to the California Environmental Quality Act (CEQA), according to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Authorize the Director of the Department of Planning & Development Services to notify the Borrego Water District, any court with jurisdiction over the Stipulated Agreement, or any other relevant public or private parties of the County of San Diego's intent to participate on the Advisory Committee and attend public Watermaster Board meetings, but not serve as a formal member of the Watermaster Board for the Borrego Valley Groundwater Basin.

**FISCAL IMPACT**

There is no fiscal impact associated with the recommended Board action. Funds for staff attendance at Watermaster Board and Technical Advisory Committee meetings are included in the Fiscal Year 2019-20 Operational Plan for the Department of Planning & Development Services. There will be no change in net General Fund cost and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Desmond, seconded by Supervisor Fletcher, the Board of Supervisors closed the Hearing and took action as recommended adopting the following:

1. Determined that the proposed action is not subject to the California Environmental Quality Act (CEQA), according to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines.
2. Appointed the County Water Resource Manager to the Watermaster Board for the Borrego Valley Groundwater Basin and directed the Chief Administrative Officer to limit the County's liability and strengthen the indemnification as necessary for the Watermaster Board participation.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

State of California)  
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER  
Clerk of the Board of Supervisors



**Signed**  
**by** Marvice Mazyck, Chief Deputy