

TO: NSJWCD BOARD OF DIRECTORS
FR: JENNIFER SPALETTA, ESQ.
DT: DECEMBER 4, 2015
RE: GSA FORMATION UNDER SGMA

NSJWCD needs to make a decision about whether to become and Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act. This memo outlines the steps and timeline related to that decision and seeks direction from the Board to proceed.

Currently, no other entity has filed to become a GSA with a boundary that includes any part of NSJWCD. However, this is expected to change. Stockton East Water District (SEWD) filed to be a GSA already. 90 days from the SEWD filing is January 20, 2016. San Joaquin County is likely to file to become a GSA prior to January 20, 2016 and all of NSJWCD in its filing. The County's filing will trigger a 90 day window for NSJWCD to file to be a GSA.

It is also possible that the City of Lodi or Lockeford Community Service District will file to be a GSA in the next few months. These entities have overlapping boundaries with NSJWCD, which will require NSJWCD to decide whether it wants to file to be a GSA with a boundary that covers Lodi and/or Lockeford CSD, or if NSJWCD wants to file with a boundary excluding these entities, or some other conditional filing (example: include them unless they file separately).

As a practical matter, this means that NSJWCD must start planning now so that it can meet the required deadlines to take action on whether to file to become a GSA within any applicable 90 day windows triggered by others.

STEPS

- 1. Discuss GSA formation options at public meeting, direct staff to proceed with the steps for formation, if desired.**

STATUS: Action item on agenda for December 14, 2015 Board meeting to discuss and direct staff.

- 2. Set public meeting/hearing to consider whether to become a GSA.**

Recommend Board set public meeting/hearing at same time as regular January or February 2016 Board Meeting.

3. **Publish notice of meeting once a week for two successive weeks in a newspaper of general circulation (notice must be given at least 14 days before meeting). Gov. Code 6066.**

Recommend Board direct staff to publish notice in Lodi News Sentinel for two weeks before January or February 2016 Board Meeting.

4. **Elect to become GSA at public meeting and sign resolution.**

Recommend Board direct staff to prepare draft resolution for consideration at January or February 2016 Board Meeting.

5. **Within 30 days of decision, submit Notice of Formation to DWR. The Notice must include:**

- a. **The service area boundaries, the boundaries of the basin or portion of the basin the agency intends to manage pursuant to this part, and the other agencies managing or proposing to manage groundwater within the basin**
- b. **A copy of the resolution forming the new agency**
- c. **A copy of any new bylaws, ordinances, or new authorities adopted by the local agency.**
- d. **A list of users of groundwater, as well as those responsible for implementing groundwater sustainability plans, and an explanation of how their interests will be considered in the development and operation of the GSA and the development and implementation of the agency's sustainability plan**

Recommend Board direct staff to prepare (1) draft Notice of Formation for consideration at January or February 2016 Board Meeting, and (2) meet with representatives of Farm Bureau, City of Lodi, County and Lockeford CSD.

6. **DWR posts notice on website within 15 days of receipt**

7. **Agency becomes GSA if notice complete and no other agency submits a competing notification.** If another notification is filed within the 90-day period, the decision will not take effect unless the other notification is withdrawn or modified to eliminate any overlap in the areas proposed to be managed.

Recommend Board designate 1-2 directors to work with staff to resolve conflicts with potentially overlapping boundary issues.