

1 **WHEREAS**, in 2014, the California Legislature adopted, and the
2 Governor signed into law, the Sustainable Groundwater Management Act
3 ("SGMA"), which authorizes local agencies overlying all or a portion of a
4 groundwater basin to manage groundwater in a sustainable fashion;

5 **WHEREAS**, the District and the EDCWA are committed to the sustainable
6 management of the groundwater resources within the TVS Subbasin, as shown
7 by, among other actions, their collaborative development and
8 implementation of both the 2000 GMP and 2014 GMP;

9 **WHEREAS**, for many years, the District and the EDCWA have also
10 worked collaboratively to sustainably manage the TVS Subbasin in multiple
11 other ways, including creating and participating in the Stakeholder Advisory
12 Group ("SAG"), and jointly funding and implementing multiple other studies
13 and monitoring program activities;

14 **WHEREAS**, on July 16, 2015, the District adopted Resolution No. 2986-15
15 electing to be the Groundwater Sustainability Agency ("GSA") for the portion
16 of the TVS Subbasin within its service area boundary, submitted its GSA
17 Formation Notification to DWR on August 12, 2015 ("2015 GSA Formation
18 Notification"), and was recognized by DWR as the exclusive GSA for this
19 portion of the TVS Subbasin on November 17, 2015 ("South Tahoe Public Utility
20 District GSA");

21 **WHEREAS**, on September 15, 2016, the District adopted Resolution No.
22 3040-16 electing to be the GSA for the portion of the TVS Subbasin outside its
23 service area boundary, submitted its GSA Formation Notification to DWR on
24 September 16, 2016 ("2016 GSA Formation Notification"), and was recognized
25 as the exclusive GSA for this portion of the TVS Subbasin on December 28, 2016
26 ("South Tahoe Public Utility District GSA-2");

27 **WHEREAS**, subsequent discussions with the State Water Resources
28 Control Board ("SWRCB") raised concerns about a local agency forming a
29 GSA outside of its service area boundary. These concerns raised a risk that the
30 2016 GSA Formation Notification may have been considered invalid and that

1 the TVS Subbasin could potentially be designated as "probationary" by the
2 SWRCB and be put under SWRCB management, a process referred to as state
3 intervention;

4 **WHEREAS**, in anticipation of the EDCWA becoming the El Dorado
5 County Water Agency GSA for the portion of the TVS Subbasin outside of the
6 District's service area boundary, the District submitted a notice of intent to
7 withdraw as the South Tahoe Public Utility District GSA-2, which became
8 effective upon the El Dorado County Water Agency GSA being recognized as
9 the exclusive GSA for this area;

10 **WHEREAS**, on June 14, 2017 to mitigate this potential risk, and pursuant
11 to discussions between the District and the EDCWA, the EDCWA adopted
12 Resolution No. WA-11-2017 electing to be the GSA for the portion of the TVS
13 Subbasin outside of the District's service area boundary, submitted its GSA
14 Formation Notification to the DWR on June 15, 2017 ("2017 GSA Formation
15 Notification"), and was recognized by DWR as the exclusive GSA for this
16 portion of the TVS Subbasin on September 13, 2017 ("El Dorado County Water
17 Agency GSA");

18 **WHEREAS**, On June 14, 2017, the District and EDWA entered into an
19 amended and restated memorandum of understanding ("MOU") to work
20 collaboratively as separate GSAs to sustainably manage groundwater
21 resources and implement SGMA throughout the entire TVS Subbasin;

22 **WHEREAS**, to this end, the District prepared and submitted to DWR, with
23 the EDCWA's support, both the 2014 GMP and an analysis of basin conditions
24 as alternatives to a Groundwater Sustainability Plan ("GSP");

25 **WHEREAS**, on July 17, 2019, DWR determined that the 2014 GMP
26 satisfied the objectives of SGMA and approved it as an existing plan
27 alternative to a GSP for the TVS Subbasin ("Alternative Plan "); and,

28 **WHEREAS**, the District and the EDCWA desire to continue to
29 cooperatively and sustainably manage groundwater resources within the TVS
30

1 Subbasin and to coordinate implementation of the Alternative Plan in
2 accordance with the MOU and SGMA.

3 **WHEREAS**, on May 8, 2020, and May 15, 2020, in accordance with
4 Water Code § 10753.2(a), the District published a notice of public hearing on
5 whether to adopt a resolution of intention to draft the first five-year update to
6 the Alternative Plan ("First Five-Year Update to the Alternative Plan") for the
7 District GSA;

8 **WHEREAS**, on May 21, 2020, the District held a noticed public hearing
9 and adopted Resolution 3140-20 approving the District's intention to draft the
10 First Five-Year Update to the Alternative Plan for the South Tahoe Public Utility
11 District GSA;

12 **WHEREAS**, on June 22, 2020, and June 29, 2020, in accordance with
13 Water Code § 10753.2(a), the EDCWA published a notice of public hearing on
14 whether to adopt a resolution of intention to draft the first five-year update to
15 the Alternative Plan for the EDCWA GSA;

16 **WHEREAS**, on July 8, 2020, the EDCWA held a noticed public hearing
17 and adopted Resolution WA-6-2020 approving the EDCWA's intention to draft
18 the First Five-Year Update to the Alternative Plan for the EDCWA GSA;

19 **WHEREAS**, the District believes the District and the EDCWA should
20 continue to cooperatively and sustainably manage groundwater resources
21 within the TVS Subbasin and coordinate implementation in accordance with
22 the MOU and SGMA.

23 **WHEREAS**, pursuant to Water Code Section 10728.4, on October 1, 2021,
24 the District provided 90-day notice to the City of South Lake Tahoe and El
25 Dorado County of its preparation of the First Five-Year Update to the
26 Alternative Plan;

27 **WHEREAS**, in accordance with Water Code § 10753.2(a), on April 8,
28 2022, and April 15, 2022, the District published a notice of public hearing on
29 whether to adopt a resolution to adopt the First Five-Year Update to the
30 Alternative Plan for the District GSA; and,

1 **WHEREAS**, The District's Board of Directors considered the Alternative
2 Plan during a noticed public hearing held on April 21, 2022, and has statutory
3 authority to adopt the First Five-Year Update to the Alternative Plan pursuant
4 to California Public Utility Code and SGMA.

5 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

6 1. The Board of Directors of the District adopts the First Five-Year
7 Update to the Alternative Plan for the portion of the TVS Subbasin located
8 within the District's jurisdiction.

9 2. The General Manager, or his designee, is directed to submit the
10 First Five-Year Update to the Alternative Plan, as may be modified with non-
11 substantive revisions, to DWR for review and assessment.

12 3. The General Manager, or his designee, is directed to take any
13 additional action necessary and appropriate regarding submission of the First
14 Five-Year Update to the Alternative Plan.

15 4. That the adoption of the first five-year update to the Alternative
16 Plan is statutorily exempt from the California Environmental Quality Act
17 ("CEQA") pursuant to Water Code 10728.6.

18 5. This Resolution shall take effect immediately.

19 **WE, THE UNDERSIGNED**, do hereby certify that the above and foregoing
20 Resolution was duly and regularly adopted and passed by the Board of
21 Directors of the South Tahoe Public Utility District at a meeting duly held on the
22 21st day of April, 2022, by the following vote:


23 AYES: Romsos, Sheehan, Exline

24 NOES: None

25 ABSENT: Cefalu, Peterson



Kelly Sheehan, Board President
South Tahoe Public Utility District

26
27
28 ATTEST: 
29 Melonie Guttry, Clerk of the Board
30 South Tahoe Public Utility District