

Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez River Valley Groundwater Basin

RESOLUTION EMA-2023-002

RESOLUTION REVISING FEE AND DEPOSIT FOR EMA GSA WELL VERIFICATION AS REQUIRED BY EXECUTIVE ORDER N-7-22 AS AMMENDED BY EXECUTIVE ORDER N-5-23

WHEREAS, effective April 27, 2017 the City of Solvang (“Solvang”); the Santa Barbara County Water Agency (“Santa Barbara”); the Santa Ynez River Water Conservation District (“SYRWCD”); and the Santa Ynez River Water Conservation District, Improvement District No.1 (“ID No.1”) (collective the Members) entered into a “Memorandum of Agreement for Formation of a Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez Valley Groundwater Basin under the Sustainable Groundwater Management Act” (“2017 MOA”); and

WHEREAS, the 2017 MOA established the Members as the participating agencies of the Groundwater Sustainability Agency (“GSA”) for the Eastern Management Area (“EMA”) in the Santa Ynez Valley Groundwater Basin (“Basin”); and

WHEREAS, the EMA GSA formed under the 2017 MOA has already developed, adopted, and submitted a Groundwater Sustainability Plan (“GSP”) for the EMA to the California Department of Water Resources as required by the Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, Section 9(a) of Governor Newsom’s Executive Order N-7-22, dated March 28, 2022, as amended by Executive Order N-5-23, requires a written verification from the applicable GSA to address whether groundwater extraction by a proposed well would be inconsistent with any sustainable groundwater management program established in any applicable GSP adopted by the GSA, or would decrease the likelihood of achieving a sustainability goal for the basin covered by the GSP; and

WHEREAS, on July 21, 2022 the EMA GSA has approved Process and Criteria for Administering Written Verifications Per Executive Order N-7-22, as amended by Executive Order N-5-23, and on April 27, 2023 the EMA GSA approved Resolution No. 2023-001 adopting a Policy for Administering Requests for Written Verifications in the EMA, and the EMA seeks to establish fee(s) and deposit(s) to cover the costs of this process; and

WHEREAS, the EMA GSA has the authority to impose fees pursuant to Water Code section 10730 and other applicable law; and

WHEREAS, on July 21, 2022 the EMA GSA established an initial fee deposit of \$1,200 with resolution EMA-2022-003; and

WHEREAS, the EMA GSA held a noticed public hearing on **June 22, 2023**, regarding a revision to the fee(s) and deposit(s) necessary to cover the costs of processing requests for written verifications under the Process and Criteria for Administering Written Verifications Per Executive Order N-7-22 and EMA Resolution No. 2023-001, at which oral and written presentations were allowed; and

WHEREAS, the EMA GSA finds that the fees set forth in this Resolution are exempt from CEQA review pursuant to 14 CCR §§ 15273 and 15378(b)(5) and Public Resources Code Section 21080(b)(8)(A) and (B), in that the fees will be used for reimbursement for consultants time and costs.

NOW, THEREFORE, the EMA GSA resolves as follows:

1. The foregoing recitals are true and correct.
2. A fee of \$200 per hour is hereby established for all requested written verifications from the EMA GSA. The Committee finds that the amount of the fee is no more than necessary to cover the reasonable costs of the process, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.
3. A revised initial deposit in the amount of \$2,200 shall be submitted for all requested written verifications and the deposit will be spent and supplemented in accordance with the Deposit/Reimbursement Agreement for Review of Well Permit Applications.

PASSED AND ADOPTED by the governing Committee of the EMA GSA on June 22, 2023 by the following roll call vote:

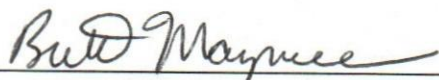
AYES: Dietenhofer, Joos, Marymee, Orona

NOES: None


ABSENT: None

ABSTAINED: None

ATTEST:



Brett Marymee, Chairman



William J. Buelow, Secretary