

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

June 13, 2023

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Joint Groundwater Recharge and Facilities Planning Agreement with the San Bernardino Valley Municipal Water District

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve the Joint Groundwater Recharge and Facilities Planning **Agreement No. 23-580** with the San Bernardino Valley Municipal Water District to establish a framework under which flood control facilities may be evaluated for groundwater recharge purposes, for a 20-year term from June 27, 2023 through June 26, 2043, followed by 10 automatic one-year renewal terms.

(Presenter: Brendon Biggs, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The proposed Joint Groundwater Recharge and Facilities Planning Agreement (Agreement) with the San Bernardino Valley Municipal Water District (San Bernardino Valley) does not commit the San Bernardino County Flood Control District (District) to any expenditures, other than staff time, which will be reimbursed by San Bernardino Valley for contracted planned maintenance and/or construction activities performed by the District.

BACKGROUND INFORMATION

The District owns and operates a number of flood control facilities within San Bernardino Valley's operational boundaries. San Bernardino Valley seeks to construct certain recharge improvements to increase recharge of the underground aquifer(s) by spreading imported and recycled/reclaimed, and any other water supply that is not stormwater, in District facilities, with the understanding that the primary purpose of District facilities is to maintain adequate flood protection for the safety and protection of the public.

The proposed Agreement establishes the framework under which San Bernardino Valley has non-exclusive access to certain District facilities to construct, operate, and maintain improvements necessary to transport, discharge, spread, and store imported water for the purpose of groundwater recharge. The use of District facilities for groundwater recharge serves the District's secondary mission of water conservation, while ensuring the District's primary mission of protecting life and property from significant flood risks is not impacted.

**Joint Groundwater Recharge and Facilities Planning Agreement with
the San Bernardino Valley Municipal Water District
June 13, 2023**

The District and San Bernardino Valley have a long history of cooperation dating back to a non-financial agreement approved by the Board of Supervisors (Board) on September 25, 1972 (Item No. 27) (1972 Agreement), under which San Bernardino Valley may use certain District detention basins for groundwater recharge. Since the 1972 Agreement, the Board approved a non-financial Planning Memorandum of Understanding (MOU) with San Bernardino Valley on July 23, 2013 (Item No. 42) (2013 MOU), to outline the cooperative manner in which the District and San Bernardino Valley may identify and analyze the suitability of District facilities for recharge purposes. The 1972 Agreement has no expiration date and the 2013 MOU expires on July 23, 2023. The District and San Bernardino Valley now seek to enter into the recommended Agreement to terminate and supersede the 1972 Agreement and the 2013 MOU to provide one updated, consolidated agreement under which groundwater recharge in District facilities shall be evaluated and managed.

The proposed Agreement includes the use of seven basins and channels, streams, and rivers within the region, in the general areas of San Bernardino and Yucaipa, including East Twin Basins, Lynwood Basins, Oak Glen Basins, Sweetwater Basins, Waterman Basins, Wildwood Basins, Wilsons Basin, and identified natural and improved channels, streams, and rivers.

While the exact volume of recharge water varies with the source availability, these facilities have a combined recharge capacity of up to 70 cubic feet per second, or approximately 8,133 million gallons a year (assuming six months of continuous recharge). Between 2012 and 2019, these locations allowed for an additional 45,619 million gallons of water to be recharged for community use in dry periods, like the ones experienced in recent years.

In line with the cooperative effort, the Agreement establishes a framework for operational dialogue through a Joint Implementation Committee, which would include staff from both agencies, and a commitment to joint project planning, permitting, and funding as appropriate for each particular facility or project. This structure allows for communication regarding improvement and operational plans in a manner that does not interfere with flood control activities, while maximizing the potential for groundwater replenishment.

The Agreement is consistent with the County and the Chief Executive Officer's goal and objective of working with other agencies. Approval of the Agreement will serve County residents by maximizing the potential use of flood control facilities for groundwater recharge and optimizing water resources in the County.

As the result of negotiations between the parties, the Agreement has a 20-year term, followed by 10, automatic one-year extensions. San Bernardino Valley may terminate the use of a District facility upon 30 days' written notice to the District. Either party may terminate the Agreement prior to its expiration or extension renewal date for cause, provided that it has issued a 60-day written notice and opportunity to cure to the other party prior to termination.

Because this Agreement does not authorize nor guarantee any specific project, the Agreement itself does not constitute a project subject to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 *et seq.*). The parties will comply with CEQA prior to approving any specific project pursuant to the Agreement.

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on June 1, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404) on May 25, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 26, 2023.

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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 13, 2023



cc: Flood - Fam w/agree
Contractor - c/o Flood w/agree
File - w/agree
CCM 07/3/2023