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**Title:** Approve City participation in a Joint Exercise of Powers Agreement to become a member of the Temperance Flat Reservoir Authority and authorize up to \$250,000 in proportionate costs for three years.

**Sponsors:** Department of Public Utilities

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**Attachments:** 1. Temperance Flat Reservoir Authority JPA - Start Up Version(1).pdf

Date	Ver.	Action By	Action	Result
2/14/2019	1	City Council	continued	

**REPORT TO THE CITY COUNCIL**

**February 14, 2019**

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**SUBJECT**

Approve City participation in a Joint Exercise of Powers Agreement to become a member of the Temperance Flat Reservoir Authority and authorize up to \$250,000 in proportionate costs for three years.

**RECOMMENDATION**

Staff recommends that City Council approve participation in a Joint Exercise of Powers Agreement (JPA) to become a member of the Temperance Flat Reservoir Authority (TFR Authority), along with other San Joaquin Valley public water agencies for the purpose of implementing the Temperance Flat Reservoir (TFR) Project, and authorize contributing up to \$250,000 in proportionate related costs in the first three years.

**EXECUTIVE SUMMARY**

The United States Bureau of Reclamation (Reclamation) as part of the Central Valley Project (CVP) constructed the Friant Dam located northeast of the City of Fresno in Fresno and Madera Counties to store water from the San Joaquin River and its tributaries. The water stored behind Friant Dam is

known as Millerton Lake. Reclamation and other public agencies have for a number of years investigated the feasibility of constructing a second dam along the San Joaquin River upstream of Friant Dam to increase water storage capacity on the San Joaquin River for increasing available water supplies and operational flexibility. The location of the proposed second dam and reservoir is in an area commonly known as Temperance Flat, as the Temperance Flat Reservoir Project (TFR Project). The TFR Authority has been formed for the purpose of implementing the TFR Project, and staff recommends that the City Council approve the JPA to become a member of the TFR Authority.

## **BACKGROUND**

The Friant Division of the Central Valley Project (CVP) provides water to over one million acres of irrigable land on the east side of the southern San Joaquin Valley. Principal features of the Friant Division of the CVP include Friant Dam and Millerton Lake, and the Madera and Friant-Kern Canals, which convey water north and south to thirty-one agricultural and urban water contractors.

The Friant Division of the CVP has contractual obligations for 2,201,475 acre-feet per year, with 800,000 acre-feet allocated to Class 1 contracts and 1,401,475 acre-feet allocated to Class 2 contracts. Further, the thirty-one agricultural and urban contractors have contractual rights and priority to access additional classes of water from the San Joaquin River including, but not limited to, Unreleased Restoration Flows, Recovered Water Account Flows, and Section 215 Non-Storeable Flood Flows. The City of Fresno is a Friant Division CVP Contractor, with a Class 1 contract for 60,000 acre-feet per year, and contractual access and priority rights to other classes of water in the San Joaquin River.

Friant Dam is owned and operated by Reclamation, and was constructed between 1939 and 1942 to create Millerton Lake. The 520 thousand acre feet (TAF) storage capacity of Millerton Lake is small relative to the average historical annual inflow to Millerton Lake of approximately 1.8 million acre feet (MAF), which requires Millerton Lake to be filled and emptied (turned over) approximately five times per year during normal precipitation and snow pack conditions. The construction of additional water supply storage capacity in the Upper San Joaquin River watershed would provide greater operational flexibility to increase water supply reliability for agricultural and municipal and industrial use in the Friant Division of the CVP, as well as environmental purposes in the San Joaquin River under certain operational and hydrologic conditions. While the construction of TFR will only result in additional water supply yield of between 100 and 200 TAF, the primary benefit of TFR is the operational flexibility to store water during wet years that can then be delivered and used during dry years, which is critically important to the City of Fresno.

### **Temperance Flat Reservoir**

The additional water supply storage capacity in the Upper San Joaquin River watershed would be in the form of a new dam and reservoir system designated as Temperance Flat Reservoir, which would be constructed at River Mile 274 of the San Joaquin River. The proposed TFR Project would include a new reservoir, formed by constructing a new dam within the footprint of the existing Millerton Lake, and increase storage capacity upstream from Friant Dam by approximately 1.26 MAF. The total capital cost required to construct TFR is currently estimated to be \$2.7 billion in 2015 dollars. The total capital cost is beyond the financial means of one local public agency, and may be beyond the financial means of a consortium of local public agencies without financial support from state and federal agencies.

## **Sustainable Groundwater Management Act of 2014**

The City of Fresno is located within the Kings Groundwater Subbasin which has been identified as having conditions of critical overdraft. The Sustainable Groundwater Management Act of 2014 requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For the Kings Subbasin, that will be 2040. Seven Groundwater Sustainability Agencies have been formed within the Kings Subbasin to achieve SGMA compliance. The City of Fresno is a member of the North Kings Groundwater Sustainability Agency which is developing a Groundwater Sustainability Plan targeted for completion before the legislated deadline of January 31, 2020.

As a Friant CVP contractor, the TFR Project will benefit the City of Fresno's anticipated growth and economic development projections by providing increased operational flexibility and certainty of water supply allocations. The additional water supply yield and storage capacity supports development of conjunctive management projects that will reduce groundwater overdraft in accordance with SGMA regulations, increased emergency water supply, and drought resilience.

To fill a potential financial gap to construct TFR, the San Joaquin Valley Water Infrastructure Authority (SJVWIA) prepared and submitted a Proposition 1 Water Storage Investment Program (WSIP) Application to the California Water Commission (CWC) to provide a maximum financial contribution of \$1.3 billion of the \$2.7 billion (2015 dollars) required to construct TFR. The Proposition 1 WSIP Application was submitted August 2017, and CWC is expected to issue a determination of maximum conditional funding eligibility for TFR in July 2018.

Subsequent to the Proposition 1 WSIP Application, the City entered into a Memorandum of Understanding Regarding Coordination, Cooperation, and Cost Sharing on Preconstruction Activities Related to the TFR Project with other San Joaquin Valley public water agencies. Ongoing activities include more detailed technical and financial studies that will provide greater resolution and definition - on a user by user basis - of monthly water demands, monthly water supply available from inflow to Millerton Lake, monthly water supply available from other sources, and additional water available from transfers and exchanges with other water agencies necessary to produce the Final Operating Plan for the TFR Project.

## **Temperance Flat Reservoir Authority**

On July 26, 2018, the City approved a Memorandum of Agreement to provide a framework to cooperatively discuss the TFR Project, which included the preparation of documents that could be used to form a TFR Project JPA. The JPA is now complete and establishes the TFR Authority. With the Proposition 1 WSIP Application successfully submitted and technical and financial studies underway, the TFR Authority intends, among other things, to effectively promote, develop, design, permit, finance, acquire, construct, manage, maintain, and operate the Temperance Flat Reservoir and its related facilities, and related facilities for recreation and hydro-electric power generation.

Participation in the JPA is open to public water agencies that have a demonstrable interest in the potential benefits arising from the TFR Project. Funding for the JPA activities and cost share requires an initial contribution of \$15,000 to cover operation and administrative expenses for the initial six months of operation of the TFR Authority. Future contributions will be determined by approval of the JPA Board subject to final approval by the governing board of each JPA member. With this approval

expending proportionate costs to further the TFR Authority mission, up to \$250,000 over three years, would be authorized.

Any agency may withdraw from the JPA upon 180 days written notice (subject to payment of its proportional share of outstanding costs incurred as of the date of withdrawal). Participation in the JPA activities is voluntary and does not commit a party to investing in the TFR Project.

The JPA has been approved as to form by the City Attorney's Office. The Administration recommends the City Council approve the City's participation in the TFR Authority by execution of the JPA and up to \$250,000 for TFR Authority-related expenses over three years.

## **ENVIRONMENTAL FINDINGS**

Pursuant to CEQA Guidelines section 15378, entering into the JPA is not a project for the purpose of CEQA

## **LOCAL PREFERENCE**

Local preference was not considered as approving the JPA does not involve contracting for services or construction.

## **FISCAL IMPACT**

There is no financial obligation for the General Fund for this JPA. All costs associated with participation in this JPA will be funded by the Water Enterprise Fund. Funding for the JPA activities and cost share will be determined by the JPA members and subject to approval by the City Council.

Attachment: JPA Agreement