



SGMA State Intervention: General Overview and Public Participation Information for Agricultural Landowners, Pumpers, and Operators (April 2024)

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I. Introduction to Water Board SGMA ‘State Intervention’ Process for Affected Landowners, Groundwater Pumpers, and Operators

The overview of the California State Water Resources Control Board’s (“Water Board”) planned 2014 Sustainable Groundwater Management Act (“SGMA”) probationary process, here provided, is intended to inform and equip affected Farm Bureau members and the agricultural community at large.

For general background regarding SGMA, including potential “undesirable results” as defined in the Act, interested persons can find a series of [SGMA background brochures on CAFB’s website here](#).

Implementation of SGMA over the next 20 years can and will affect groundwater use and agricultural operations, particularly in areas dealing with past and current ongoing impacts of historic overdraft, such as chronically declining groundwater levels, land subsidence potential impacting critical infrastructure, and domestic and small community well failures. If you are a property owner, groundwater pumper, or agricultural operator in a basin impacted by the Water Board state intervention process, it is very important for you to know about and stay abreast of the probationary process in your area.

As of this posting (April 2024), while many basins that have submitted plans have been successfully submitted and approved, twenty-three Groundwater Sustainability Plans (“GSPs”) in six subbasins have been deemed “inadequate” and thirteen have been deemed “incomplete.” These affected subbasins are working to correct deficiencies identified by the Department of Water Resources (“DWR”) ahead of upcoming or ongoing probationary hearings, as detailed herein.

Details regarding the Water Board’s state intervention process, how to correct deficiencies to avoid probationary status and a potential state interim plan, and how to return a basin to local management are provided in the Water Board’s June 2023 FAQ sheet [here](#) and in the October 2023 FAQ sheet [here](#).

II. What’s at Stake for Affected Agricultural Landowners, Groundwater Pumpers and Operators?

SGMA marks a major change in past management of groundwater. Whereas groundwater use in much of California had never formerly been actively regulated or limited, SGMA changed this in 2014 by requiring local agencies to develop plans to chart a pathway to long-term sustainability management of groundwater over a 20-year period ending in 2040/42, preventing “significant and unreasonable undesirable results” along the way to avoid potential state intervention.

Undesirable results that can tip a local subbasin into state intervention include [basin overdraft](#), [drinking water issues](#), [land subsidence impacts](#), [water quality](#) and [implementation and GSA coordination](#) issues.

SGMA recognizes that groundwater is best managed at the local level but includes a technical review step before DWR. Where plans are deemed “inadequate” or “incomplete” and are subsequently disapproved upon resubmission, SGMA includes a temporary ‘state backstop’ step before the Water Board. In addition, SGMA includes 5-year plan updates and reviews, ongoing monitoring, measuring, and reporting, annual

reports, and the attainment of interim milestones while avoiding undesirable results through minimum thresholds and measurable objectives.

The first step in state intervention, following an “inadequate” determination, reference to the Water Board, and a staff report with findings and recommendations from the Water Board, is a probationary hearing before the Water Board. Under a probationary designation, fees currently set at \$300 per well and \$20 per acre-foot pumped, and metering and reporting to the Water Board would compete with and tend to divert resources away from local efforts to manage local groundwater.

Moving beyond mere probationary monitoring, measuring, reporting requirements, and fees in the event a local basin fails to correct identified plan deficiencies in a minimum of one year, the next step in state intervention—a state “interim plan” would—impose actual interim groundwater management requirements in a basin until a local basin exits state intervention. An interim plan from the Water Board would likely focus on pumping restrictions—thus significantly constraining local management options, including supply enhancement or projects to increase groundwater recharge.

The probation and “state intervention” process affords local Groundwater Sustainability Agencies (“GSAs”) multiple opportunities to correct identified deficiencies to regain full local control of a basin, even as local GSAs and local agencies must continue implementation of activities to achieve SGMA’s 20-year sustainability goal. Every basin is different, but these activities typically include such things as developing pumping limits and related rules, funding mechanisms including fees and assessments, well mitigation plans, well registration and well metering requirements, land transitioning or land repurposing programs, permitting, funding, and completing groundwater recharge projects, system improvements, and the like.

Local implementation of SGMA is subject to strict timelines and minimum technical requirements. Avoiding state intervention requires interests and users working together in a basin to meet all requirements, act responsibly, demonstrate full capacity to manage the resource locally, and make tough decisions.

Even *without* state intervention, it is important to understand that local, long-term implementation of SGMA will be costly and may require significant reductions in groundwater pumping. In basins with significant past or ongoing existing overdraft conditions, groundwater management and use under SGMA will change significantly from what they were historically, and this can produce dramatic changes.

III. Potential State Water Resources Control Board Intervention in Six San Joaquin Valley Groundwater Subbasins Deemed 'Inadequate'

As of this posting (April 2024), six critical subbasins in the San Joaquin Valley have been deemed inadequate by the DWR. The six subbasins mentioned can be visually located on the map below or accessed in interactive map mode with points of contact and other pertinent subbasin information via the hyperlinked text below.

The subbasins are, specifically, the [Tulare Lake](#), [Tule](#), [Kaweah](#), [Kern County](#), [Delta-Mendota](#), and [Chowchilla](#) Subbasins. The Madera Subbasin is also shown on the map below, but as of this posting, it has been approved.



A. Tulare Lake Subbasin Probation Designation, First Probationary Subbasin

On April 16, 2024, the Water Board voted to place the [Tulare Lake subbasin](#) on probation. (Click [here](#) for the Water Board's designation of the Tulare Lake Groundwater Subbasin as probationary.) This subbasin was the first of the previously identified 'inadequate' subbasins to face a probationary hearing.

As a result of this determination, some groundwater pumpers will be required to report their pumping and pay fees of \$20 per acre foot to the Water Board, among other concerns. If, after a minimum of one year, the issues that caused the basin to be

deemed probationary persist, the Water Board may determine whether to develop and implement an interim plan for the basin.

If the Water Board adopts an interim plan, the Water Board would temporarily take charge of groundwater management in the basin until local GSAs demonstrate their ability to manage the basin in a sustainable manner consistent with SGMA to the satisfaction of the Water Board.

B. Current Probationary Hearing Schedule for Remaining Subbasins with Plans Deemed ‘Inadequate’

As of the date of this update (April 2024), the most recent probationary hearing schedule of Water Board SGMA sets the [Tule](#) subbasin for September 2024, [Kaweah](#) for November 2024, [Kern County](#) for December 2024, and both [Delta-Mendota](#) and [Chowchilla](#) for the first quarter of 2025.

C. Pre-probationary Hearing Process for the Tule Subbasin

The [Tule Subbasin](#) is the next highest prioritized subbasin currently deemed inadequate by the DWR. The basin's public Water Board hearing is scheduled for [September 17, 2024](#).

Written comments on the [Tule Subbasin Probationary Hearing Draft Staff Report](#) are due on May 7, 2024.

IV. Next Steps for Subbasins Deemed ‘Incomplete’

As of this update (April 2024), in addition to the basins at risk of probation and a possible eventual state interim plan, as detailed below, DWR has deemed thirteen basins elsewhere in California “incomplete”:

- **Inland Northern California:** [Butte Valley](#) (Siskiyou County), [Tulelake](#) (Siskiyou and Modoc Counties), [Big Valley](#) (Lassen and Modoc Counties)
- **The Sacramento Valley:** [Red Bluff](#), [Antelope](#), and [Los Molinos](#) (Tehama County), [Colusa](#) (Colusa and Glenn Counties), [Corning](#) (Glenn County).
- **The San Joaquin Valley:** [Modesto](#) and [Turlock](#) (Stanislaus County); [Pleasant Valley](#) (Fresno County).
- **The South Coast:** [Piru](#) and [Fillmore](#) (Ventura County).

V. Conclusion

In addition to closely plugging in with your County Farm Bureau and local GSA at the local basin level, general questions regarding the above-outlined state intervention process can be directed to CAFB staff [here](#).