

# SGMA State Intervention: General Overview and Public Participation Information for Agricultural Landowners, Pumpers, and Operators Relating to San Joaquin Valley Sustainable Groundwater Management Act ‘Probationary Process’ in Six (6) San Joaquin Valley Groundwater Subbasins (Fall 2023)

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## I. Potential State Water Resources Control Board Intervention in Six (6) San Joaquin Valley Groundwater Subbasins

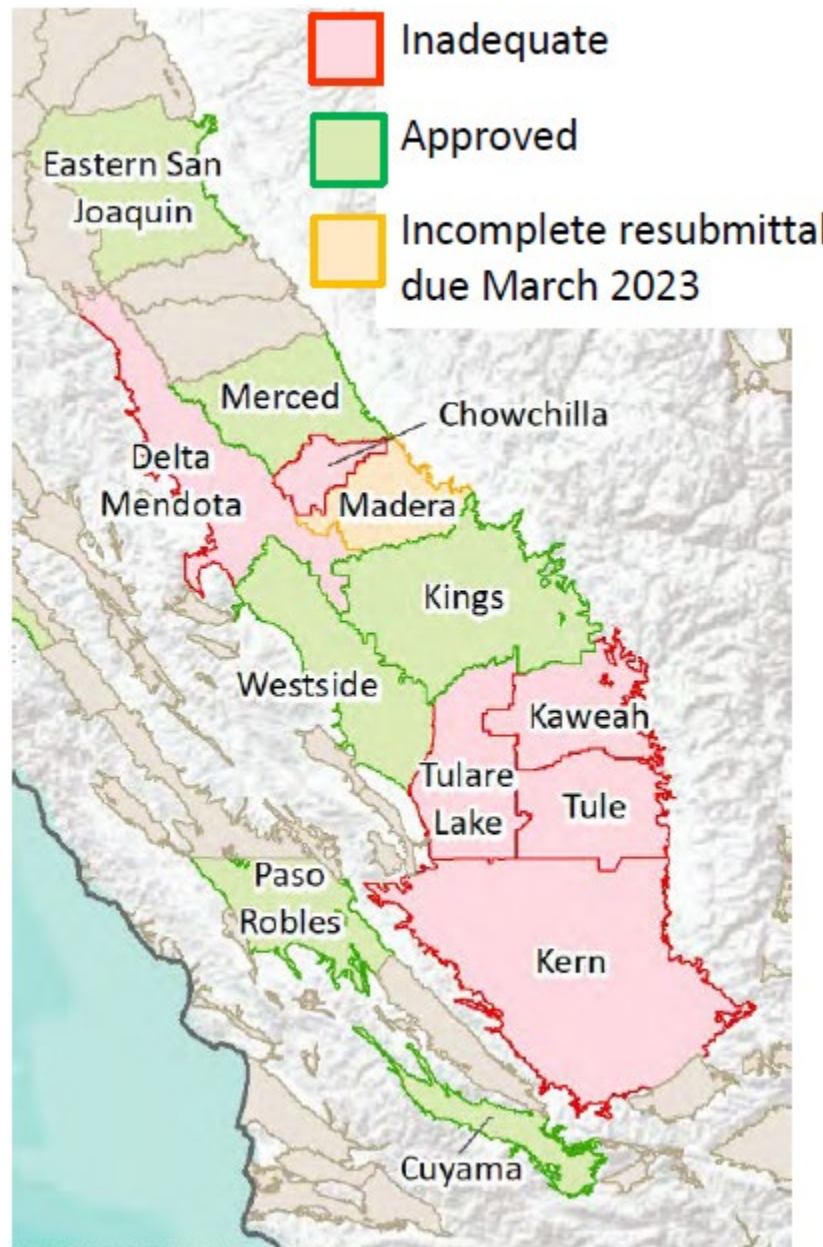
Groundwater basins under California's 2014 Sustainable Groundwater Management Act (“SGMA”) can face potential “state intervention”, before the California State Water Resources Control Board (“Water Board”)—including “probation” and possible eventual “state interim plans.”

This can occur when local groundwater sustainability plans (“GSPs”), initially submitted by designated local groundwater sustainability agencies (“GSAs”) to the Department of Water Resources (“DWR”), are determined *not* to meet minimal standards of long-term groundwater sustainability established by SGMA.

As of this posting (Fall of 2023), six (6) San Joaquin Valley groundwater subbasins (See map below) are subject to eventual planned SGMA “probationary hearings” before the Water Board as the result of a prior “inadequate” determination from DWR.

A seventh “critical overdraft” subbasin—the [Madera Subbasin](#) is currently *not* scheduled for any probationary hearing, pending a determination of “adequacy” from the Department. Multiple Madera Subbasin GSPs were “resubmitted” in March 2023, with a revised coordination agreement, following an “incomplete” determination from DWR in September of 2022. As of this posting (Oct. 2023), a determination of the Madera Subbasin’s status from the DWR is pending.

The six (6) subbasins mentioned can be visually located on the map below or accessed, in interactive map mode with points of contact and other pertinent subbasin info, via the hyperlinked text at right. 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 (October 2023), is not in state intervention as noted.



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

The overview of the Water Board’s planned SGMA probationary process, here provided, is intended to inform and equip affected Farm Bureau members and the greater agricultural community at large. This information is provided at the basic level necessary to understand the SGMA probationary and state intervention process, and as a starting point for deeper and more meaningful engagement in your local area. **For general background regarding the Sustainable Groundwater Management Act of 2014,**

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

Your local GSA is undoubtedly hard at work on necessary steps to avoid potential state intervention. Nonetheless, **implementation of SGMA over the next 20 years can affect groundwater use and agricultural operations.**

For all of these reasons, **if you are a property owner, groundwater pumper, and/or you own a business or are an agricultural operator potentially impacted by the Water Board state intervention process here described, it is very important for to know about and stay abreast of the probationary process in your area, and to make your voice heard, as you may deem appropriate and necessary.**

### **III.     What’s Potentially at Stake for Affected Agricultural Landowners, Groundwater Pumpers and Operators**

The probation and “state intervention” process affords local GSAs multiple opportunities to correct identified deficiencies and avoid either probation or a state interim plan. However, in the event deficiencies are not addressed to the satisfaction of the Water Board, consistent with SGMA, the risk of both probation and/or of a possible eventual state interim plan remains.

SGMA (and the Water Board) recognizes that groundwater is normally best managed at the local level. Fees and reporting to the Water Board after probation would divert resources away from local efforts to manage local groundwater. (Click [here](#) for additional information regarding fees and reporting to the Water Board.) Moreover, the potential subsequent step of a state interim plan would likely focus on pumping restrictions—thus, likely severely constraining local management options including supply enhancement, for example, or projects to increase groundwater recharge.

**Issues ahead of potential probation may become difficult—and could even spill over into potential groundwater adjudication actions in some areas. However, the potential consequences of a loss of local basin control underlines the need for local cooperation to avoid state intervention wherever possible.**

#### IV. Overview of the Water Board’s State Intervention Process and Where You—as an Affected Landowner, Groundwater Pumper, or Operator—Can Get Involved

##### A. Groundwater Management Issues That Can Trigger SGMA Probation and/or a Potential State Interim Plan

Groundwater management issues 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.

##### B. Water Board Timeline and Order of Priority

Per a June 21<sup>st</sup>, 2023 Water Board SGMA probationary process and state intervention update, subbasins will be scheduled in order of priority over the course of 2023–24.<sup>1</sup> The priorities here are based on the perceived severity or importance of the deficiencies identified in each subbasin, according to the Water Board, as follows:

##### **1<sup>st</sup>-Tier Priority SGMA Probation Subbasins** (per [June 21<sup>st</sup>, 2023 State Water Board SGMA Update](#)):

- The Tulare Lake, Tule, Kaweah Subbasins ([drinking water & subsidence issues](#));
- The Kern County Subbasin ([GSA coordination issues, clarifying ‘exceedance thresholds’ to trigger management actions, data gaps relating to possible ‘extensive’ impacts](#)).

##### **2<sup>nd</sup>-Tier Priority SGMA Probation Subbasins** (per [June 21<sup>st</sup>, 2023 State Water Board SGMA Update](#)):

- The Delta-Mendota Subbasin ([less extensive impacts, substantial GSA coordination issues, single GSP to address](#));

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<sup>1</sup> PowerPoint slides relating to the Water Board’s probation, here hyperlinked throughout, are drawn from two Water Board SGMA probation and state intervention presentations from April and June of 2023. The Water Board’s April 4, 2023 “Update on the Implementation of the Sustainable Groundwater Management Act (SGMA),” in its entirety, can be accessed [here](#). It’s June 21, 2023 “Potential Probationary Hearings Process Update” can be accessed [here](#).

- The Chowchilla Subbasin ([less extensive impacts, revised plan to address submitted](#));

### C. Pre-Probationary Hearing Process

In addition to continuing efforts to implement SGMA consistent with the original plans, local GSAs, at this time, are actively revising previously submitted GSPs to address deficiencies.

**As of this posting (October 2023), an initial draft staff report [has been noticed](#) for the Tulare Lake Subbasin, with similar staff reports expected to follow for the remaining subbasins in the months to come. At this time, the probationary hearing for the Tulare Lake Subbasin is scheduled for mid-April 2024. There will, however, be on-going workshops and other opportunities for input before then, including [two upcoming public participation workshops, as of this posting \(November 3<sup>rd</sup> and 8<sup>th</sup>, 2023](#), in person or virtually in Sacramento and in person in Hanford, respectively, as noticed). [It is possible that the Water Board's process for the other subbasins will mirror something similar to its process for Tulare Lake. Thus, each of these subbasin probationary process would be subsequently noticed, beginning with a Water Board staff report on "deficiencies."](#)**

Following the initial step of a draft Water Board staff report formally identifying deficiencies, [subsequent steps in the Water Board's probationary SGMA process](#) will include 1) notices to all pumpers in each subbasin, 2) stakeholder meetings, 3) public comments, 4) final deficiencies and a draft order—and, finally, 5) a probationary hearing.

### D. Potential Water Board Fees and Reporting After Probation

**If, after a probationary hearing, the Water Board determines probation is warranted, the Water Board can begin to [impose fees and reporting](#).**

### E. Potential Water Board State Interim Plan If Deficiencies Not Addressed In Probationary Phase

**If defects, after probation, are not adequately addressed the Water Board will proceed to determine—within a minimum period of no less than one year—whether to impose a "state interim plan". Such a plan [results in direct management of groundwater use in the basin, for a time, until issues are resolved](#) and local agencies can reassume control.**

## V. Conclusion

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