

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF RESEARCH, PLANNING,
AND PERFORMANCE
JUNE 21, 2023**

ITEM 8

SUBJECT

SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) POTENTIAL PROBATIONARY HEARINGS PROCESS UPDATE.

DISCUSSION

In 2014, the Sustainable Groundwater Management Act (SGMA) established a new framework for how groundwater in California should be managed locally to achieve long-term sustainability, to the benefit of local economies, ecosystems, and communities. SGMA required the formation of local groundwater sustainability agencies (GSAs) in basins determined by the Department of Water Resources (DWR) to be high-priority and medium-priority. Those GSAs were required to develop and implement groundwater sustainability plans (GSPs) for their groundwater basins by specific deadlines. Each GSP, or collection of GSPs if there are more than one for a basin, describes how the GSA or GSAs will achieve long-term sustainable management of the groundwater basin within 20 years. SGMA required GSAs in critically overdrafted, high-priority groundwater basins to submit their GSPs to DWR by January 31, 2020, for evaluation.

DWR received plans for 20 basins and had two years to complete its initial review. In January of 2022, DWR notified 8 basins that their plans were adequate but also identified areas for improvement. GSAs in the remaining 12 basins were notified their plans were incomplete and the bases for those determinations. Those basins were provided an additional 180 days to remedy the issues that caused the incomplete determinations. In July 2022, all 12 basins resubmitted their plans to DWR for final review.

In March 2023, DWR determined that six of the resubmitted GSPs for critically overdrafted, high-priority groundwater basins in the Central Valley are inadequate. As required by SGMA, DWR referred the basins with inadequate GSPs to the State Water Board to decide whether to move forward with state intervention. Under SGMA, state intervention is a process that begins with a determination by the State Water Board as to whether the inadequacies identified by DWR warrant placing the basin in probationary status. As set forth in SGMA, the State Water Board makes its probationary basin designations through a public process that includes notice and a public hearing. GSAs in the six basins deemed inadequate are currently implementing their GSPs and are expected to continue to implement and improve their plans and engage in ongoing communication with DWR and the State Water Board.

The six basins with inadequate GSPs, from north to south, are the Chowchilla, Delta-Mendota, Kaweah, Tulare Lake, Tule, and Kern County subbasins. Deficiencies DWR noted include, but are not limited to, insufficient sustainable management criteria, the potential for dewatering of drinking water wells, impacts of subsidence, and lack of coordination amongst GSAs.

At the April 4, 2023, State Water Board meeting, DWR staff provided an overview regarding their determinations for the six basins with inadequate plans. State Water Board staff presented on how the State Water Board might conduct probationary hearings during the state intervention phase of SGMA.

For this State Water Board informational item, staff will present a recommended schedule for potential probationary hearings; however, any basin that would be subject to a probationary hearing would be separately publicly noticed.

POLICY ISSUE

The Board will hear comments on SGMA implementation.

FISCAL IMPACT

None. The Board will not take an action at the Board Meeting.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

None.