

Fact Sheet: Sustainable Groundwater Management Act

Act empowers local agencies to manage their groundwater resources

On **September 16, 2014**, Governor Jerry Brown signed a package of three bills, known as the **Sustainable Groundwater Management Act**, which provides a framework for improved groundwater management by local agencies. The three bills are **SB 1168** (Pavley), **SB 1319** (Pavley) and **AB 1739** (Dickinson).

Overview:

The Act provides local agencies with the tools to manage groundwater basins in a sustainable manner over the long-term and allows for limited state intervention when necessary to protect groundwater resources. More specifically, it establishes a definition of sustainable groundwater management, establishes local agencies to develop plans and implement strategies to sustainably manage groundwater resources, prioritizes basins with the greatest problems (ranked as high and medium priority), and sets a timeline for implementation.

Key dates:

- January 1, 2015 – Legislation goes into effect
- June 30, 2017 – Local groundwater sustainability agencies (GSAs) must be formed
- January 31, 2020 – Groundwater sustainability plans (GSPs) must be completed for basins in a critical condition of overdraft
- January 31, 2022 – GSPs must be completed in all other high- and medium-priority basins not currently in overdraft
- Twenty years after adoption of the GSP (2040 and 2042) – all high- and medium-priority groundwater basins must achieve sustainability

Key definitions:

- **“Sustainable groundwater management”** means management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.
- **“Undesirable results”** means any of the following effects caused by groundwater conditions occurring throughout the basin:
 - Chronic lowering of groundwater levels, but excluding lowering of groundwater levels during a drought if it is otherwise managed;
 - Significant and unreasonable reductions in groundwater storage;
 - Significant and unreasonable seawater intrusion;
 - Significant and unreasonable degradation of water quality;
 - Significant and unreasonable land subsidence; and
 - Surface water depletions that have significant and unreasonable adverse impacts on beneficial uses.

Key provisions:

Protects water rights

- The legislation includes numerous provisions to protect water rights. Water Code section 10720.5(b) says that nothing in the legislation “determines or alters surface water rights or groundwater rights under common law or any provisions of law that determines or grants surface water rights.”

Promotes coordinated management of an entire groundwater basin

- Any local agency or combination of local agencies overlying a groundwater basin may form a GSA for the basin.
- In high- and medium-priority basins, GSAs will need to prepare GSPs which can build on the regions existing groundwater plans. (<http://www.water.ca.gov/groundwater/casgem/>).

Considers multiple stakeholder interests

- A GSA must consider the interests of a variety of different stakeholders, including beneficial users of water, environmental interests, disadvantaged communities, tribes and others, and conduct outreach to them.

Provides GSAs with new authority to responsibly manage groundwater

- GSAs can choose among numerous new tools and authorities, including the authority to conduct investigations, determine the sustainable yield of a groundwater basin, measure and limit extraction, impose fees for groundwater management and enforce the terms of a groundwater sustainability plan.

Respects regional differences and provides flexibility

- There is a wide diversity of conditions in groundwater basins throughout the state, so the legislation provides options for development of plans and avoids a “one size fits all” approach.
- Each basin can be covered by a single plan or by multiple plans and coordinated by a single coordination agreement that covers the entire basin. A region can modify the basin boundaries to suit the regional management needs.
- The development and adoption of GSPs is exempt from CEQA requirements.
- The California Department of Water Resources (DWR) may grant up to two 5-year extensions if the agency demonstrates a need for the extension and has demonstrated progress toward its sustainability goal.
- DWR will need to adopt regulations by June 1, 2016, regarding GSPs, coordination agreements and alternative plans and documentation.

Increases availability of information but ensures privacy protection

- The legislation limits the public release of all information related to individual groundwater pumpers, but provides aggregated groundwater information for a groundwater basin.
- After a GSP is adopted, a GSA will need to submit annual reports to DWR on the condition of the basin.

Provides state technical and financial assistance

- DWR will provide technical assistance to local agencies in the implementation of this legislation and to develop best management practices.
- \$100 million in grant funding is included in the pending Water Bond (Proposition 1) to be used for the development and implementation of groundwater management plans and projects.

Offers a reasonable level of state oversight and involvement

- DWR will review GSPs and their implementation.
 - Within two years of submission, DWR will evaluate and assess a GSP. DWR will evaluate each GSP or alternative at least every five years.
- The State Water Resources Control Board (SWRCB) can only intervene in a local area and develop an interim plan in limited circumstances:
 - When no local agency is willing to serve as a GSA (2017);
 - When a GSA does not complete a GSP (2020); or
 - When both the GSP is inadequate or not implemented to achieve sustainability and there is a condition of long term overdraft or significant depletion of interconnected surface waters (varies 2020, 2022, or 2025).
- SWRCB can assess fees to recover costs incurred in administering an unmanaged area or a probationary basin, which may include reporting requirements, investigations, facilitation, monitoring, hearings, enforcement and administrative costs.

Increases coordination between land use planning agencies and groundwater sustainability agencies

- Amends planning and zoning law to require increased coordination between land use planning agencies and groundwater sustainability agencies regarding groundwater plans and updates and modifications of General Plans.