

The Sustainable Groundwater Management Act of 2014:



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Introduction and Overview

- Why was the legislation passed?
- What are its major components?

Why Was the Legislation Passed?

- The Previous Groundwater Management System
 - Each pumper is limited to proportionate share of the safe yield of the basin
 - If there is excess pumping, there is an adjudication to quantify each pumper's rights to the safe yield of the basin
 - Importation of surface water to meet excess demands
 - CVP – Westlands Water District
 - SWP – Kern County and Southern California
 - Colorado River – Southern California

Why Was the Legislation Passed? (cont.)

- The System Breaks Down
 - Extended Drought – 2000 to present
 - Increased Environmental Demand for Water
 - BiOps in the Delta
 - Increased invasive species in the Delta

Why Was the Legislation Passed? (cont.)

CVP Reliability

Table 1-1. CVP Water Supply Allocation Percentages 2000 through 2014

| Year | Year Type ¹ | Irrigation ² | | M&I | |
|------|------------------------|-------------------------|--------------------|--------------------|--------------------|
| | | North of Delta (%) | South of Delta (%) | North of Delta (%) | South of Delta (%) |
| 2000 | AN | 100 | 65 | 100 | 90 |
| 2001 | D | 60 | 48 | 85 | 77 |
| 2002 | D | 100 | 70 | 100 | 95 |
| 2003 | AN | 100 | 75 | 100 | 100 |
| 2004 | BN | 100 | 70 | 100 | 95 |
| 2005 | AN | 100 | 90 | 100 | 100 |
| 2006 | W | 100 | 100 | 100 | 100 |
| 2007 | D | 100 | 50 | 100 | 75 |
| 2008 | C | 40 | 40 | 75 | 75 |
| 2009 | D | 40 | 10 | 100 | 60 |
| 2010 | BN | 100 | 45 | 100 | 75 |
| 2011 | W | 100 | 80 | 100 | 100 |
| 2012 | BN | 100 | 40 | 100 | 75 |
| 2013 | D | 75 | 20 | 100 ³ | 70 |
| 2014 | C | 0 | 0 | 50 | 50 |

Source: Reclamation 2014a

Notes:

¹ Based on the Sacramento Valley Water Year Index.

² Includes water service contracts, does not include Sacramento River Settlement and San Joaquin River Exchange Contractors.

³ In 2013, American River M&I users received 75 percent of contract amount.

Key:

M&I = municipal and industrial

C = Critical

D = Dry

BN = Below Normal

AN = Above Normal

W = Wet

Why Was the Legislation Passed? (cont.)

- Calls for Action
 - ACWA
 - California Water Foundation

Why Was the Legislation Passed? (cont.)

- Consistent with Reduced State Role
 - California Water Plan called for the State (through DWR) to provide water throughout California
 - Delta Reform Act calls on each region to be "self-sufficient"

What are the Major Components of the Legislation?

- General Provisions
 - State policy: WC 113 – Local control (as long as it is done in a reasonable manner)
 - State agencies to consider plans in their planning processes

What are the Major Components of the Legislation? (cont.)

- Election to Become a Groundwater Sustainability Agency
 - Any local agency may elect to become a GSA
 - Notice and hearing on the election; then notice to DWR
 - Must take into account all interests in the basin
 - Can operate via MOU or can form a new agency
 - Local agencies can exclude investor-owned utilities
 - Should be completed as soon as possible, and no later than June 30, 2017

What are the Major Components of the Legislation? (cont.)

- Basin Boundaries
 - Bulletin 118 boundaries are the presumptive boundaries of a groundwater basin

What are the Major Components of the Legislation? (cont.)

- Adjustments of Basin Boundaries
 - DWR to adopt regulations by January 1, 2016
 - Show that the new basin:
 - Can be managed sustainably
 - Is technically sound
 - The agency proposing the change has consulted with others in the area

What are the Major Components of the Legislation? (cont.)

- Groundwater Sustainability Plans
 - Generally
 - Supplement to other authorities
 - Ordinance power
 - Procedural Requirements
 - Validation of GSPs
 - GSP applies to public agencies (including the State)
 - Timing
 - For overdrafted basins – by 2020
 - For other high/medium priority basins – by 2022

What are the Major Components of the Legislation? (cont.)

- Advisory Committee
 - Annual reporting and periodic (5-year) updates
 - CEQA exemption (plan development only)
- Substantive Requirements
- No determination of water rights
 - Must be consistent with general plans
 - Physical setting of basin and its characteristics
 - Measurable objectives to attain sustainability within 20 years
 - Monitoring and mitigation plans

What are the Major Components of the Legislation (cont.)

- Monitoring and mitigation plans are already in place in some basins (e.g., the Santa Ana watershed)
 - Annual Watermaster Reports
 - Imported Water Recharge Workgroup Cooperative Agreement Reports
 - Basin Monitoring Program Task Force Wasteload Allocation Model (WLAM) updates for permitting recharge of recycled water
 - Maximum Benefit monitoring
 - Annual Change in Storage Report

What are the Major Components of the Legislation? (cont.)

- New Authorities
 - Groundwater Management
 - Investigations
 - Augmentation of supplies
 - Well-spacing
 - Limitations on extractions
 - Conjunctive use of surface and groundwater
 - Groundwater transfers

What are the Major Components of the Legislation? (cont.)

– Funding

- Fees to develop and administer the GSP Can base fees on production
- Individual production quantities exempt from disclosure

What are the Major Components of the Legislation? (cont.)

- Enforcement Authority
 - Administrative penalties
 - \$500/acre-foot
 - \$1,000 plus \$100/day of violation
 - Civil penalties

What are the Major Components of the Legislation? (cont.)

- DWR Technical Assistance
 - Assistance is available to any GSA (not free)
 - DWR to determine the availability of replenishment water by December 31, 2016
 - DWR to propose a list of best management practices by January 1, 2017
- State Financial Assistance – Proposition 1

What are the Major Components of the Legislation? (cont.)

- DWR Evaluation of GSPs
 - DWR to review plans to determine whether the plan conforms to the substantive requirements and "is likely to achieve the sustainability goal."
 - DWR *does not* approve plans; it evaluates/assesses them
 - DWR must post plans on its website
 - Agencies may submit alternative proposals for groundwater management to DWR, not later than January 1, 2017

What are the Major Components of the Legislation? (cont.)

– State Intervention

- Triggers for a probationary basin status
 - No GSA or alternative plan by June 30, 2017
 - No GSP by January 31, 2020 or January 31, 2022
 - GSP is inadequate or not being implemented in a way to achieve the sustainability goal
 - After January 31, 2022, there is a long-term overdraft and a failure to implement a plan in an adequate manner
 - After January 31, 2025, there are significant depletions of interconnected surface waters and there is a failure to implement a plan in an adequate manner

What are the Major Components of the Legislation? (cont.)

- Timelines are tolled for litigation challenging a GSA or a GSP
- Notice and cure period of 180 days (or more) from finding of insufficiency, if the GSA is making substantial progress
- SWRCB must exclude from probationary status any basin (or portion) which is being managed in a sustainable manner

What are the Major Components of the Legislation? (cont.)

– Interim Plans

- Notice and hearing (but not an evidentiary hearing) as a quasi-legislative action
- May limit extractions
- Consistent with water right priorities and Article X, Section 2 of the California Constitution

Questions?

- Questions?
- Thanks!