

The Sustainable Groundwater Management Act

SGMA 101 and Groundwater Sustainability Agency Roles and Responsibilities

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Fillmore and Piru Basins
Groundwater Sustainability Agency



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Presentation Outline

- Introduction
- SGMA 101
- Background
- Roles and Responsibilities

SGMA 101

Groundwater Sustainability Agencies (GSAs)

“Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.” (Water

Code § 10721)

“Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” (Water

Code § 10721)

- e.g. - counties, cities, water agencies, irrigation districts, drainage districts, PUDs, CSDs, or similar

SGMA 101

Groundwater Sustainability Agencies (GSAs)

- SB 13 Added - “A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity..” (Water Code § 10723.6 (b))

SGMA 101

Private Pumpers / The Public

- No special authorities are granted. Only references are:
 - 10723.2 - Consideration of interests of all beneficial uses and users of groundwater
 - 10726.5 - In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written agreements and funding with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan.
- De minimis extractor - A person who extracts, for domestic purposes, two acre-feet or less per year. (Water Code § 10721)

SGMA Foundational Items

- **6 foundational / potential undesirable results**
 - Groundwater Elevation
 - Groundwater Storage
 - Seawater Intrusion
 - Degraded Water Quality
 - Land Subsidence
 - Groundwater / Surface Water interconnection
- **Local Control Emphasis**
- **“Few Shalls...Many Mays...”**
 - Shall...Create GSA
 - Shall...Prepare GSP
 - Shall...Do Public Engagement
- **GSA's are Regulatory Agencies**

Background

- Reference Documents:
 - SGMA (Water Code)
 - Groundwater Sustainability Plan (GSP) Regulations
 - *“Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options”* (UC Water/ Berkeley Law)
 - Joint Exercise of Powers Act (CA Code 6500)

GSA Roles and Responsibilities

- Governance
- Outreach/Engagement (Transparency)
- Compliance
- Funding
- Authorities
 - General
 - Information Gathering
 - Groundwater Extraction
 - Property Acquisition and Management
 - Enforcement
- Coordination
- Technical

Governance

- Create an Agency through legal agreement or MOU
- Establish Membership including potential membership levels / roles
- Determine Member durations, replacement procedures, removal procedures, etc.
- Create a decision-making process
- Create a dispute resolution process

Outreach / Engagement (Transparency)

Beneficial Users (Water Code § 10723.2)

- | | |
|--|---|
| • All Groundwater Users | • Counties |
| • Holders of Overlying Rights (agriculture and domestic) | • Local Landowners |
| • Municipal Well Operators | • Disadvantaged Communities |
| • Public Water Systems | • Business |
| • Tribes | • Federal Government |
| • Local Land Use Planning Agencies | • Environmental Users |
| | • Surface Water Users <i>(if connection between surface and ground water)</i> |

Outreach/Engagement (Transparency)

- Consider all interests of all beneficial users and users of groundwater
- Maintain interested persons list
- Document a decision-making process and how stakeholder input and public response will be used.
- Encourage the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- Operate under the Brown Act
- Provide access to information consistent with the California Public Records Act

Compliance

- Comply with local ordinances and similar
 - (e.g. land use ordinance, etc.)
- Comply with all State regulations, laws, and similar
 - (e.g. CEQA, California ESA, Porter-Cologne, etc.)
- Comply with all Federal regulations, laws and similar
 - (e.g. Federal ESA, Clean Water Act, etc.)

Funding

- Establish / obtain one or more of the following:
 - Regulatory fees
 - Property-related fees or assessments
 - Local taxes
 - Local general obligation bonds
 - Contributions from member agencies
 - Grants from other State and federal agencies

Authorities

General

- Do anything “necessary and proper” to carry out SGMA’s purposes
- Adopt rules, regulations, ordinances, and resolutions
- Use any other authority allowed to the GSA to apply and enforce SGMA requirements

Authorities

Information Gathering

- Require registration of groundwater extraction facilities
- Require measurement and annual reporting of groundwater extractions*
- Defer all costs associated with the purchase and installation of the water-measuring device to the owner operator of said groundwater extraction facility*
- Require that the owner or operator of a groundwater extraction facility to file an annual statement describing annual water use*

*Does not apply to de minimis extractors

Authorities

Information Gathering

- Conduct investigations of surface or ground water rights and related rights
- Monitor the diversion of surface water to underground storage
- Inspect property and facilities to determine compliance, upon obtaining any necessary consent or obtaining an inspection warrant

Authorities

Groundwater Extraction

- Minimize well interference by imposing well-spacing requirements on new wells and reasonable operating regulations on existing wells including requiring extractors to operate on a rotation basis.
- Control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations

Authorities

Groundwater Extraction (cont.)

- Establish groundwater extraction allocations
- Authorize within-GSA transfers of groundwater extraction allocations
- Impose regulatory fees on groundwater extraction or other regulated activity or property-related fees on groundwater extraction

Authorities

Property Acquisition and Management

- Acquire property, including groundwater and surface water rights
- Make physical improvements to real property
- Acquire, transfer, or exchange groundwater water and surface water

Authorities

Property Acquisition and Management (cont.)

- Manage wastewater, stormwater, and seawater for subsequent use
- Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use
- Provide for a program of voluntary fallowing of agricultural lands or validate an existing program

Authorities

Property Acquisition and Management (cont.)

- Import surface water or groundwater into the Agency, and conserve and store water within or outside the Agency including, but not limited to, the spreading, storing, retaining, or percolating into the soil
- Purchase, transfer, deliver, or exchange water or water rights to provide surface water in exchange for a groundwater extractor's agreement to reduce or cease extractions.

Authorities

Enforcement

- Sue to collect delinquent fees, interest, or penalties or order extraction stopped until delinquent fees are paid
- Pursue civil penalties for extraction exceedances
- Pursue civil penalties for violations of SGMA-related rules, regulations, ordinances, or resolutions*
- *Does not apply to de minimis extractors

Coordination

- Coordination with adjacent subbasins (Santa Paula, Santa Clara East)
- Coordination between Management Areas (if applicable)

Technical

- Access appropriate technical expertise, either in-house, through consultants, or via technical assistance from other agencies.
- Conduct and/or oversee monitoring, data collection, and reporting
- Develop a water budget and identify sustainable yield.
- Assess basin history and potential paths to sustainable management
- Remediate / oversee remediation of polluted groundwater

Discussion / Q&A

THANK YOU

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