

## Fact Sheet

The Sustainable Groundwater Management Act of 2014 is a comprehensive three-bill package that provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention only if necessary to protect the resource.

The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. The act provides substantial time – 20 years – for GSAs to implement plans and achieve long-term groundwater sustainability. It protects existing surface water and groundwater rights and does not impact current drought response measures.

ACWA supported the legislation, which was substantially consistent with recommendations developed by the association's Groundwater Sustainability Task Force and adopted by the ACWA Board of Directors. ACWA's recommendations, together with recommendations from the California Water Foundation and input from other stakeholders, helped shape many provisions to protect local control and empower local agencies to achieve the sustainability goal.

The Sustainable Groundwater Management Act of 2014 is considered just one part of a statewide, comprehensive water plan for California that includes investments in water conservation, water recycling, expanded water storage, safe drinking water, wetlands and watershed restoration. The plan is intended to ensure a reliable water supply for California for years to come.

### **GSAs and Local Sustainability Plans**

The Sustainable Groundwater Management Act provides local GSAs with tools and authority to:

- Require registration of groundwater wells
- Measure and manage extractions
- Require reports and assess fees
- Request revisions of basin boundaries, including establishing new subbasins

GSAs responsible for high- and medium-priority basins must adopt groundwater sustainability plans within five to seven years, depending on whether the basin is in critical overdraft. Agencies may adopt a single plan covering an entire basin or combine a number of plans created by multiple agencies. Preparation of groundwater sustainability plans is exempt from CEQA.

Plans must include a physical description of the basin, including groundwater levels, groundwater quality, subsidence, information on groundwater-surface water interaction, data on historical and

projected water demands and supplies, monitoring and management provisions, and a description of how the plan will affect other plans, including city and county general plans.

Plans will be evaluated every five years.

## **State Involvement and Technical Assistance**

The California Department of Water Resources (DWR) has several tasks under the Sustainable Groundwater Management Act. It must:

- Designate basins as high, medium, low or very low priority by Jan. 31, 2015
- Adopt regulations for basin boundary adjustments by Jan. 1, 2016
- Adopt regulations for evaluating adequacy of GSPs and GSA coordination agreements by June 1, 2016
- Publish a report estimating water available for groundwater replenishment by Dec. 31, 2016
- Publish groundwater sustainability best management practices by Jan. 1, 2017

## **State Review and Intervention**

The State Water Resources Control Board may intervene if a GSA is not formed or it fails to adopt or implement compliant plans by certain dates.

DWR is tasked with reviewing GSPs for adequacy after they are adopted at the local level. If DWR determines in its review that a GSP is not adequate, the State Board may designate the basin as “probationary.” If the local agency does not respond within 180 days, the State Board is authorized to create an interim plan that will remain in place until a local GSA is able to reassume responsibility with a compliant plan.

## **Financial Assistance**

If approved by voters, Proposition 1 would provide \$100 million in funding to GSAs to develop and implement sustainable groundwater management plans.

## **Key Implementation Dates**

- **June 30, 2017:** Local groundwater sustainability agencies formed.
- **Jan. 31, 2020:** Groundwater sustainability plans adopted for critically overdrafted basins.
- **Jan. 31, 2022:** Groundwater sustainability plans adopted for high- and medium-priority basins not currently in overdraft.
- **20 years after adoption:** All high- and medium-priority groundwater basins must achieve sustainability.

## Frequently Asked Questions

**Q: What is the Sustainable Groundwater Management Act of 2014?**

**A:** The Sustainable Groundwater Management Act of 2014 is a comprehensive three-bill package that includes AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley) and sets the framework for statewide long-term sustainable groundwater management by local authorities.

It requires the formation of new groundwater sustainability agencies (GSAs) tasked with assessing the conditions in their local basins and adopting locally-based sustainable management plans. It provides for limited state intervention only when a GSA is not formed and / or fails to create and implement a plan that will result in groundwater sustainability within 20 years.

**Q: What authority will GSAs have?**

**A:** GSAs are empowered to utilize a number of new management tools to achieve the sustainability goal. For example, GSAs may require registration of groundwater wells, mandate annual extraction reports from individual wells, impose limits on extractions, and assess fees to support creation and adoption of a groundwater sustainability plan (GSP). GSAs also may request a revision of a groundwater basin boundary, including the establishment new subbasins.

A GSA may adopt a single plan covering an entire basin or may combine several plans from multiple agencies.

**Q: Is there any funding available to assist GSAs?**

**A:** If approved by voters, Proposition 1 – the Water Quality, Supply and Infrastructure Improvement Act of 2014 – would provide \$100 million in funding to help create and implement GSPs.

**Q: When do sustainable groundwater management plans have to be completed and implemented?**

**A:** GSPs for critically overdrafted basins must be completed and adopted by the GSA by Jan. 31, 2020. GSPs for high- and medium-priority basins not in overdraft must be completed and adopted by the GSA by Jan. 31, 2022. All high- and medium-priority groundwater basins must achieve sustainability within 20 years of GSP adoption.

**Q: Who determines whether a groundwater sustainability plan is sufficient?**

**A:** The Department of Water Resources (DWR) is tasked with reviewing GSPs for compliance. If DWR determines that an adequate GSP has not been adopted or that it is not being implemented in a way

that will achieve sustainability within 20 years, then the State Water Resources Control Board may designate the basin “probationary.”

After receiving notice from the State Board, local authorities will have 180 days to address GSP deficiencies. If the plan is brought into compliance the state will remove the “probationary” designation and will have no further authority to intervene.

If the deficiencies are not addressed by the GSA, the State Board is authorized to create an interim plan that would remain in effect only until the GSA could assume responsibility with a compliant plan that will achieve sustainability.

**Q: What does sustainable groundwater management mean?**

**A:** The aim of the legislation is to have groundwater basins managed within the sustainable yield of each basin. The legislation defines “sustainable groundwater management” as the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results, which are defined as any of the following effects:

- Chronic lowering of groundwater levels (not including overdraft during a drought, if a basin 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
- Surface water depletions that have significant and unreasonable adverse impacts on beneficial uses

**Q: Isn't this basically a state takeover of groundwater?**

**A:** No. At its core, the legislation provides a framework for the improved management of groundwater supplies by local authorities. In fact, it provides protection *against* state intervention, provided that local agencies develop and implement groundwater sustainability plans as required by the legislation. Significantly, the legislation provides tools and authorities some agencies have previously lacked to manage for sustainability. In addition, it provides substantial time (20 years from the time a GSP is adopted) to take the actions necessary to achieve sustainability.

**Q: Does this legislation take away the ability of growers to pump groundwater if the current drought continues?**

**A:** No. The legislation will not affect the ability of local water managers and water users to get through the current drought. The legislation allows local managers time to get on the path of sustainability. It recognizes that implementation of local groundwater sustainability plans may take up to 20 years.



**Q: How does this legislation affect existing water and property rights?**

**A:** The legislation does not change existing groundwater rights. Groundwater rights will continue to be subject to regulation under article 10, section 2, of the California Constitution.

**Q: Will this legislation make future adjudications more complicated?**

**A:** No. In fact, it is possible that future adjudications would be made easier because there will be more data and information about the basin and pumpers available. Although it is important to note that the legislation will restrict public release of information related to individual groundwater pumpers.

**Q: Does this legislation allocate groundwater for environmental and habitat purposes?**

**A:** The legislation does not allocate water for any purpose. There is no expansion of water rights and the public trust doctrine does not apply to groundwater. Local agencies may choose to address this issue in their plans, if they desire.

**Q: Why doesn't this legislation address groundwater recharge as a beneficial use of surface water?**

**A:** Groundwater recharge is currently accomplished by filing a petition with the State Board that demonstrates the water would be put to beneficial use. ACWA members have been working on legislative language to address this matter but have not yet reached agreement on any recommendations.

**Q: Where can I get more information on groundwater sustainability?**

**A:** Information is available from the following resources:

California Department of Water Resources Groundwater Information Center

<http://www.water.ca.gov/groundwater/>

ACWA's Recommendations for Achieving Groundwater Sustainability

<http://www.acwa.com/content/groundwater/acwa-recommendations-achieving-groundwater-sustainability>

California Water Foundation Information / Recommendations on Groundwater Sustainability

[www.californiawaterfoundation.org](http://www.californiawaterfoundation.org)