STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

Staff Report for Regular Meeting of October 13-14, 2022
Prepared on September 26, 2022

ITEM NUMBER: **11**

SUBJECT: **Update on Sustainable Groundwater Management Act (SGMA) Implementation in the Central Coast Region**

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ACTION: **Information / Discussion**

SUMMARY

California depends on groundwater for a major portion of its annual water supply, particularly during times of drought. This reliance on groundwater has resulted in overdraft and unsustainable groundwater usage in many of California's groundwater basins. SGMA implementation is of particular importance in the central coast region because it is the most groundwater dependent hydrologic region in the state, relying on groundwater for more than 80 percent of its water supply. The Sustainable Groundwater Management Act (SGMA) was enacted to address overdraft and bring groundwater basins into balanced levels of pumping and recharge. SGMA requires local groundwater sustainability agencies (GSAs) to adopt groundwater sustainability plans (GSPs) for high- and medium-priority groundwater basins. Under SGMA, basins must achieve sustainability within 20 years of implementing their plans. The long-term planning required by SGMA will help provide a buffer against drought and climate change and contribute to sustainable water supplies. At the Central Coast Water Board's December 2019 Board Meeting, Central Coast Water Board staff provided a SGMA overview and discussed the Central Coast Water Board's related priorities (December 2019 Board Meeting, Agenda Item 5).[1]

This information item is intended to serve as a general update of SGMA implementation statewide and in the Central Coast Region with progress updates for selected GSAs. Additionally, this information item will also include presentations by the following organizations, GSAs, State Water Resources Control Board (State Water Board) and Department of Water Resources (DWR):

[1]https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2019/december/item_05/item05_stfrpt.pdf

- Paul Gosselin, Deputy Director, Sustainable Groundwater Management Office, California Department of Water Resources
- James Nachbaur, Director, Office of Research, Planning, and Performance, State Water Resources Control Board
- Donna Myers, General Manager, Salinas Valley Basin Groundwater Sustainability Agency
- Blaine Reely, Director, Groundwater Sustainability Department, County of San Luis Obispo
- Ngodoo Atume, Water Policy Analyst, Clean Water Action/Clean Water Fund

The SGMA presentations will focus on 1) GSA updates, 2) water quality priorities included in the GSPs, 3) drought adaptation activities in response to the Governor's April 2021 drought state of emergency proclamation, 4) stakeholder engagement, especially underrepresented communities, 5) challenges encountered and strategies implemented to overcome them, and 6) next steps. Although Central Coast Water Board staff are not presenting, they are available to facilitate dialogue with the Board, stakeholders, and presenters.

BACKGROUND

California's groundwater supply is a critical natural resource, providing between 40 and 60 percent of the State's total water supply in a given year. In the Central Coast Region, greater than eighty percent of the residents rely on groundwater for their drinking water and other uses. In 2014, Governor Jerry Brown signed SGMA into law, creating a new regulatory framework to sustainably manage groundwater in California by requiring local stakeholders to form GSAs. GSAs develop and implement GSPs to bring groundwater basins into balance to achieve long-term water resource reliability (i.e., to cease and reverse overdraft conditions). SGMA requires planning and management of groundwater basins to avoid six undesirable conditions:

1. Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon.
2. Significant and unreasonable reduction of groundwater storage.
3. Significant and unreasonable seawater intrusion.
4. Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
5. Significant and unreasonable land subsidence that substantially interferes with surface land uses.
6. Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

DWR is the primary agency with authority to oversee and approve GSPs. GSPs must indicate how sustainability will be achieved, while avoiding the above undesirable conditions. SGMA does not require GSAs to address historic water quality problems and established a 2015 baseline by which to evaluate water quality-related issues. The water quality focus of SGMA is to ensure the implementation of GSPs does not cause

or exacerbate undesirable water quality problems relative to the 2015 water quality baseline.[2] Furthermore, GSAs are not required to assume regulatory roles that are the responsibility of agencies such as the State and Regional Water Boards.

In a process referred to as "state intervention," SGMA allows the State Water Board to step in to protect groundwater if local agencies are unable or unwilling to sustainably manage their basin. SGMA allows the State Water Board to designate a high- or medium-priority basin as a "probationary basin", if DWR determines one or more local agencies did not form a GSA, a GSP was not developed on schedule or was inadequate, or GSP implementation is inadequate. The State Water Board may develop an interim sustainability plan for a probationary basin. To end State Water Board basin management, GSAs must adequately address basin management deficiencies and demonstrate to the State Water Board and DWR their capacity to manage groundwater sustainably. The SGMA roles of DWR and the State and Regional Boards are described in more detail below.

SGMA does not define a role for the Regional Water Boards; therefore, Regional Water Boards do not have authority to approve, deny, or enforce GSPs. However, Regional Water Boards are very interested in how GSAs and GSPs identify and address water quality concerns in groundwater sustainability planning efforts. Thus, some Regional Water Boards have engaged GSAs and provided comments on GSPs during public comment periods, as have members of the general public.

Adjudicated basins, such as the Los Osos Valley-Los Osos Area and Santa Maria River Valley, are classified as very low priority under SGMA. This prioritization reflects the fact that these basins are already undergoing groundwater management that is functionally equivalent to the requirements of SGMA. Adjudicated basins are required to report to DWR each year on groundwater elevations, extractions, changes in storage, total water use, and surface water supply use. As part of a separate agenda item (Item 12) at the October 2022 Board Meeting, Dan Heimel, the Executive Director of the Los Osos Basin Management Committee[3] will provide an update to the Board.

DISCUSSION

SGMA Priorities in the Central Coast Region

In the Central Coast Region, there are 40 GSAs responsible for implementing SGMA in 25 groundwater basins. DWR's 2019 SGMA Basin Prioritization Report[4] identified the following five central coast basins as high-priority and critically overdrafted:

- Santa Cruz Mid-County;
- Corralitos – Pajaro Valley;

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[2] A link to: Guide to Water Quality Requirements Under the Sustainable Groundwater Management Act, 2019

[3] https://www.slocounty.ca.gov/Departments/Groundwater-Sustainability/Forms-Documents/Los-Osos-Basin-Management-Committee-(BMC).aspx

[4] https://water.ca.gov/programs/groundwater-management/basin-prioritization

- Salinas Valley – 180/400 Foot Aquifer;
- Salinas Valley – Paso Robles Area; and
- Cuyama Valley.

DWR identified the following five additional central coast basins as high priority (but not critically overdrafted):

- Gilroy-Hollister Valley – Llagas Area;
- Salinas Valley – East Side Aquifer;
- Salinas Valley – Langley Area;
- San Luis Obispo Valley; and
- Carpinteria.

The Los Osos Valley-Los Osos Area groundwater basin was classified as critically overdrafted and very high priority by DWR in 2015. However, because the basin is adjudicated, DWR reclassified the basin as very low priority in 2019, though it is still considered critically overdrafted.

The DWR SGMA Portal[5] is a tool accessible to both agencies and the public, which provides information regarding the status of GSAs, GSPs and alternatives to GSPs, adjudicated areas, and basin boundary modifications.

Department of Water Resources' Role in SGMA

As described above, DWR is the primary agency with authority to oversee and approve GSPs. Paul Gosselin, Deputy Director of DWR, provided the following information below regarding DWR's role to implement SGMA.

DWR is tasked with two key roles under SGMA: to provide regulatory oversight for groundwater sustainability planning, and to support local implementation with State assistance. DWR is also required to prioritize the State's 515 groundwater basins into one of four categories: high, medium, low or very low priority. The 94 high and medium priority groundwater basins account for 96 percent of the State's groundwater use and cover 88 percent of California's overlying population. Of these high and medium priority basins, 21 are designated as critically overdrafted and account for approximately 62 percent of the State's groundwater pumping. SGMA requires the medium and high priority basins to form local GSAs and develop GSPs to achieve their sustainability goals over a 20-year planning horizon. More than 250 local GSAs were formed across the State in 2017.

SGMA required the critically overdrafted basins to submit their first GSPs to DWR by January 31, 2020. DWR has completed the evaluation for 20 basins, representing 42 GSPs since some basins have multiple plans, within the required two-year statutory deadline. Of the 20 critically overdrafted basins, 8 were approved and 12 basins were deemed incomplete and have resubmitted their corrected plans in July 2022 for DWR to

[5] https://sgma.water.ca.gov/portal/#intro

review. DWR is currently holding a 60-day public comment period on those plans and is currently re-evaluating how the GSAs have corrected the deficiencies. DWR is also reviewing 70 GSPs from the non-critically overdrafted basins and has two years, until January 2024, to complete the technical evaluation. GSAs are required to continue submitting annual reports and 5-year updates of their GSPs to DWR to track progress over the 20-year horizon.

DWR administered over $150 million dollars in financial assistance to support local agencies in their planning efforts to develop GSPs and consider all beneficial uses and users of groundwater in a basin. The GSPs provide the local roadmap for how GSAs will continue monitoring and managing groundwater through the development of projects and management actions to avoid undesirable results. DWR provides technical support services, such as the installation of monitoring wells, Statewide datasets, and groundwater modeling tools to support local GSAs in furthering their understanding and management of groundwater conditions. Additionally, DWR provides facilitation support, guidance materials, and written translation services to support local public engagement efforts.

State Water Board's Role in SGMA

The State Water Board's Groundwater Management Program has been working to support DWR's review of GSPs, specifically in areas of the State Water Boards' expertise, such as drinking water, water rights, and water quality. Additionally, the Program has continued preparing for state intervention in case a statutory role is warranted. Angela Kwon, an Engineering Geologist in the Groundwater Management Program, provided the following information below regarding the State Water Board's role to implement SGMA.

Related to water quality, the Groundwater Management Program has been supporting DWR's plan review by providing information and rationale on which analytes should be considered in GSPs. DWR found in their incomplete determinations that some plans lacked consideration of analytes that can be impacted by groundwater management, such as nitrate, which can impact domestic well or public water system well screen intervals by declining water levels. To support this effort, Groundwater Management Program staff developed and recently launched the SGMA Groundwater Quality Visualization[6] tool that displays water quality constituents impacting groundwater basins.

Groundwater Management Program staff are aware that GSAs and counties are working out the details when it comes to SGMA implementation, and further information will be forthcoming from GSAs and counties as they work to coordinate well permit review. If GSAs are unable or unwilling to sustainably manage their basin, the State Water Board or Board can step in to protect groundwater using a process called state intervention. State intervention is a public process that may include stakeholder engagement, and Groundwater Management staff are currently engaged with several

[6] https://www.waterboards.ca.gov/water_issues/programs/gmp/index.html

GSAs, non-governmental organizations (NGOs), and other interested parties, however, staff are not specifically engaged with any GSAs in the Central Coast Region at this time.

Central Coast Water Board Involvement in SGMA

Central Coast Water Board staff have participated in SGMA-related activities since 2019 by reviewing and commenting on GSPs, attending GSA meetings, and coordinating with both the State Water Board and DWR. As discussed above, Regional Water Boards do not have the authority to approve, deny, or enforce GSPs. As a result, the Central Coast Water Board does not have dedicated resources to participate in SGMA activities and staff cannot feasibly review and comment on GSPs associated with all groundwater basins. Therefore, staff prioritized the groundwater basins below utilizing the following criteria: salt and nitrate water quality data, existing groundwater quality conditions, and irrigated crop acreage.

- Salinas Valley Groundwater Basin – 180/400-foot subbasin, East Side subbasin, Forebay subbasin, and Upper Valley subbasin
- Gilroy/ Hollister Valley Groundwater Basin – North San Benito subbasin (consolidation of Bolsa area, Hollister area, and San Juan Bautista subbasins)
- Carpinteria Valley Groundwater Basin
- Corralitos Groundwater Basin - Pajaro Valley subbasin
- Cuyama Valley Groundwater Basin; and
- Santa Ynez River Valley Groundwater Basin.

Staff actively engage with the GSAs operating within these six priority groundwater basins and have submitted comments on the GSPs for the following: Cuyama Basin GSA, San Benito County Water District GSA, Salinas Valley GSA, and the Santa Ynez Eastern Management Area GSA. Staff also coordinate with State Water Board's Groundwater Management Program through regular roundtable meetings. Since many of the Central Coast Water Board's priority GSPs have now been submitted to DWR for review, Central Coast Water Board staff have transitioned to a less active role.

Central Coast Region Groundwater Sustainability Agency Updates

Central Coast Water Board staff invited select GSAs to participate in the October 2022 Board Meeting as presenters and/or by providing a written update to communicate their progress. The GSA updates are provided below for Salinas Valley Groundwater Basin, North San Benito Groundwater Basin, Pajaro Valley Subbasin, Paso Robles Groundwater Basin, Cuyama Valley Groundwater Basin, and Santa Ynez River Valley Groundwater Basin. The Carpinteria Valley Water District did not provide an update.

Salinas Valley Groundwater Basin

Emily Gardner, Deputy General Manager, of the Salinas Valley Basin GSA provided the following update (excerpt):

In 2017, local GSA-eligible entities jointly developed the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) to develop GSPs and manage groundwater in the Salinas Valley. The SVBGSA is a Joint Powers Authority formed by eight local agencies as authorized by the Joint Exercise of Powers Act (Chapter 5 of Division 7 of Title 1 of the California Government Code). The SVBGSA represents a range of interests including agriculture, cities, public utility, disadvantaged communities, county, and environmental stakeholders and is partially or entirely responsible for developing and implementing GSPs in much of the Salinas Valley. The Salinas Valley Groundwater Basin includes subbasins, six of which fall partially or entirely within the jurisdiction of the SVBGSA. These six subbasins under SVBGSA authority are either directly or indirectly connected to the Salinas River, and the six groundwater subbasins are all hydraulically connected. DWR designated all six SVBGSA subbasins as either high or medium priority basins. In addition, it designated the 180-400-Foot Aquifer as a critically overdrafted basin. In 2020, SVBGSA completed the GSP for the 180/400-Foot Aquifer Subbasin. In 2022, SVBGSA completed GSPs with partner GSAs for its remaining five subbasins: the Eastside Aquifer Subbasin, the Forebay Aquifer Subbasin, the Upper Valley Aquifer Subbasin, the Langley Area Subbasin, and the Monterey Subbasin. As of January 31, 2022, the 180/400-Foot Aquifer Subbasin has been approved by DWR and the remaining six GSPs are under review by DWR. (The complete update is included in Attachment 1).

For more information, please visit the Salinas Valley Basin GSA Website.[7]

North San Benito Groundwater Basin

Glenn Micko and Steve Wittry of the San Benito County Water District GSA provided the following update:

San Benito County Water District (SBCWD) is the GSA for the portion of the North San Benito Groundwater Basin that is located within San Benito County. Valley Water (formerly Santa Clara Valley Water District) is the GSA for the small portion of the North San Benito Groundwater Basin located in Santa Clara County. The North San Benito Groundwater Basin is comprised of four individual Management Areas – Bolsa, San Juan, Hollister, and Southern. The GSP for the North San Benito Groundwater Basin was adopted by the SBCWD Board of Director's on November 17, 2021 and was submitted to DWR on January 12, 2022.

The GSP establishes Minimum Thresholds for nitrate and total dissolved solids (TDS). TDS and nitrate are the indicator salts and nutrients and key constituents of concern (COC's) for the basin. These constituents were selected based upon available baseline

[7] https://svbgsa.org/

data, impact to beneficial users, feedback from groundwater users and basin objectives from other agencies. TDS can be an indicator of anthropogenic impacts (e.g., infiltration of urban runoff, agricultural return flows and wastewater disposal). Typically, the upper end of the recommended secondary maximum contaminant level (SMCL) for TDS is 1000 mg/l. However, there is elevated natural background TDS concentration in groundwater that has been documented since the 1930's. The elevated levels have been attributed to subsurface sediments. TDS parameters were benchmarked at 1200 mg/l. The parameter for nitrate was set at the MCL, 45 mg/l.

The Minimum Threshold for nitrate is to keep the percentage of wells in each of the four Management Areas with observed nitrate concentrations above 45 mg/L at or below the percentage observed to be above 45 mg/L in each Management Area between 2015 and 2017. The Minimum Threshold for TDS is to keep the percentage of wells in each of the four Management Areas with observed TDS concentrations above 1,200 mg/L at or below the percentage observed to be above 1,200 mg/L in each Management Area between 2015 and 2017.

The measurable objective is to understand and quantify the effectiveness of water quality improvements initiated over time. The program updates will provide the data needed to trend results and assess success/challenges with basin activities. These measurable objectives will be monitored as part of SBCWD's Water Quality Monitoring Program and Triennial Update.

To address the current drought, the GSA implemented Stage II Water Conservation Measures outlined in the Water Shortage Contingency Plan, which primarily imposes mandatory restrictions on landscape irrigation but also includes some restrictions on commercial businesses. As the well permitting agency and the GSA for the North San Benito Groundwater Basin, SBCWD is currently in the process of making modifications to the Well Permit application as well as the application review process to address the requirements outlined in Executive Order N-7-22 to address drought conditions.

The North San Benito Groundwater Basin is currently sustainable, but long-term sustainability will require continued monitoring, reporting, and management actions that are adaptive to changing conditions. The most likely changing conditions identified in the GSP were climate change and future growth. To continue to manage the North San Benito Groundwater Basin sustainably, potential projects and management actions were identified, which include projects to enhance supply reliability, programs to enhance water conservation, initiatives to improve monitoring programs and data management, and strategies to reduce potential impacts to groundwater dependent ecosystems.

For more information, please visit the San Benito County Water District Website.[8]

[8] https://www.sbcwd.com/sbcwds-role-responsibilities/

Corralitos Groundwater Basin - Pajaro Valley Subbasin

Brian Lockwood, General Manager of the Pajaro Valley Water Management Agency provided the following update (excerpt):

The Pajaro Valley Water Management Agency (PV Water) was founded in 1984 to eliminate long-term groundwater overdraft that among other things was causing seawater to intrude into freshwater aquifers, and to preserve the vibrant agricultural economy of the Pajaro Valley. Following the adoption of SGMA in 2014, PV Water elected to become the GSA for the Pajaro Valley Subbasin 3-002.01 (Basin). SGMA requires that PV Water and all critically overdrafted groundwater basins achieve sustainable groundwater resources by 2040. Prior to and following approval of the PV Water's Groundwater Sustainability Plan Alternative (GSP Alternative or Plan) in 2019, PV Water has worked to implement a series of projects and programs to eliminate groundwater overdraft, halt seawater intrusion, and improve groundwater quality. Management actions include but are not limited to conserving existing water resources, optimizing existing water supply facilities, and developing new water supply projects.

In December 2021, as required by SGMA, PV Water submitted the first 5-year update of its GSP Alternative. The update, titled the Basin Management Plan (BMP) - Groundwater Sustainability Update 2022 (GSU22)[9], assessed the state of the Basin and developed quantifiable sustainability goals, while also addressing comments provided by DWR on PV Water's GSP Alternative. Provided below is a brief status update of PV Water's recent efforts toward achieving sustainability under SGMA.

A critical part of the GSP Alternative update effort was stakeholder involvement. PV Water formed an Ad Hoc Sustainable Groundwater Planning Advisory Committee[10] (Committee) to engage stakeholders and interested parties. The Committee represented a broad array of interests, including underrepresented communities, and encouraged public engagement throughout the entire process. Another purpose of the Committee was to evaluate technical information presented by staff and consultants related to the existing and projected conditions of the Basin, consider sustainable management criteria that would avoid significant and unreasonable impacts to the Basin, and make recommendations to the PV Water Board of Directors (Board). From October 2020 to September 2021, PV Water held 23 Committee and stakeholder meetings during which time staff and consultants evaluated and discussed with stakeholders the implementation status of projects and management actions included in the GSP Alternative, the observed or simulated effect of management actions on groundwater conditions and developed a description of groundwater conditions for each sustainability indicator relative to sustainable management criteria. (The complete update is included in Attachment 1).

For more information, please visit the Pajaro Valley Water Management Agency Website.

[9] https://www.pvwater.org/bmp-update
[10] https://www.pvwater.org/sustainable-gw-committee

Paso Robles Groundwater Basin

Blaine Reely, Director, of the Paso Robles GSA provided the following update:

The Paso Robles GSA submitted their GSP to DWR on January 30, 2020. On January 21, 2022, DWR announced that the GSP had received an incomplete determination under the provisions of SGMA and the Final GSP Emergency Regulations. The determination started a 180-day window to address DWR's comments. DWR found two areas of deficiency in the GSP: (1) the GSP did not include an adequate assessment of potential impacts to domestic wells associated with chronic lowering of groundwater levels, and (2) the GSP did not include an adequate assessment of the potential for depletion of interconnected surface waters. The Paso Basin GSAs initiated communications with DWR staff immediately after receipt of the initial notification and retained the services of a consultant to provide technical assistance in addressing the deficiencies. The work in addressing the deficiencies was completed and the GSP has been updated.

To address potential impacts to domestic wells associated with chronic lowering of groundwater levels, additional analysis was performed to determine if the proposed groundwater level sustainable management criteria (SMCs), which include groundwater level measurable objectives (MOs) and minimum thresholds (MTs), provide protection against an unreasonable number of existing domestic wells from going dry. Based on the results of the additional analysis, it was concluded that the SMCs defined in the GSP are sufficiently protective of undesirable results as they relate to shallow domestic wells. For this issue, undesirable results are defined as a condition in which 10 percent of existing domestic wells would be unable to sufficiently produce water after 2017. Under this scenario, an additional 65 wells may go dry before MT are reached. To address this problem, the GSP identifies a plan to develop and implement a Drinking Well Impact Mitigation Program to provide drinking water wells, and especially domestic well users, protection from the effects of agricultural pumping and addressing the safety, quality, affordability, and availability of domestic water with specific emphasis on protecting those areas within the Basin where there are concentrations of shallow domestic wells.

To address the potential for depletion of interconnected surface waters, additional analysis was performed to identify potentially interconnected stream reaches where the depletion of surface waters, as a result of groundwater pumping, may occur. The analysis was based on a joint evaluation of multiple data sets related to interconnected surface water and groundwater dependent ecosystems (GDEs), including precipitation, stream flow, groundwater levels, stream bed elevation, vegetation maps, aerial photographs of vegetation, satellite mapping of vegetation health, and results of groundwater modeling. A preponderance of evidence approach was used in delineating potentially interconnected stream reaches. Based on the results of the additional analysis, it was concluded that there are two areas within the Basin where conditions exist where surface waters may be periodically interconnected with the underlying groundwater aquifer and where surface water could potentially be subject to depletion

as a result of groundwater pumping. The GSP identifies a plan to investigate the two identified stream reaches and install additional monitoring wells in these areas to evaluate groundwater conditions in the future. New SMCs were developed and included in the GSP to avoid depletion of surface water as a consequence of groundwater pumping.

The Paso Basin Cooperative Committee recommended the Updated GSP for adoption by each of the Paso Basin GSAs at its April 27, 2022, meeting consistent with the terms of the MOA. Each of the other Paso Basin GSA's held public hearings and adopted the Updated GSP at their respective meetings during late June 2022. The updated GSP was submitted to DWR to comply with SGMA requirements. (Abbreviated from the 7/12/2022 Board of Supervisors staff report[11]).

For more information, please visit the County of San Luis Obispo's Paso Robles Groundwater Basin Website.[12]

Cuyama Valley Groundwater Basin

Taylor Blakslee, representative of the Cuyama Basin GSA, provided the following update:

The Cuyama Basin Groundwater Sustainability Agency (CBGSA) submitted its amended GSP to DWR by July 20, 2022. Development of the amended GSP included several coordination meetings with DWR and over a year of Board and Advisory Committee meetings. The Cuyama Basin GSA is governed by an 11-Member Board with representatives from four counites (Kern, Santa Barbara, San Luis Obispo, Ventura), the Cuyama Community Services District, and the Cuyama Basin Water District. The Cuyama Basin GSA is funded by a groundwater extraction fee that is assessed to pumpers annually following a public rate hearing.

The CBGSA established a groundwater level monitoring network of roughly 50 wells in the basin and measurements are collected quarterly and uploaded to the Data Management System (DMS) which is hosted on the CBGSA's website (www.cuyamabasin.org). Sustainable Management Criteria for groundwater levels were set by region in the Cuyama Basin and are shown on the hydrographs in the Annual Reports submitted to DWR. For Water Quality, the CBGSA monitors total dissolved solids (TDS) annually. However, in response to DWR's comments (and captured in the amended GSP), the CBGSA is also collecting water quality samples in 2022 for nitrate and arsenic to establish a baseline. The CBGSA monitors subsidence via a station in the townsite of New Cuyama and using the Altimira subsidence data set managed by the State, however, subsidence is not prevalent in the Cuyama Basin. The CBGSA

[11] County of San Luis Obispo Board of Supervisors Agenda Item: https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/143859

[12] https://www.slocounty.ca.gov/Departments/Groundwater-Sustainability/Groundwater-Basins/Paso-Robles-Groundwater-Basin.aspx

requires meters be installed on all wells extracting water over 25 acre-feet a year and will use this data to calibrate future numerical model updates.

The CBGSA is developing requirements for new well permits and well modification permits consistent with the Governors' Executive Order N-7-22. The CBGSA has also developed a well reporting survey hosted on the CBGSA website for landowners to report issues related to groundwater levels with their well. Lastly, the CBGSA has reported on various drought-related grant opportunities during public meetings.

Two recent challenges are the implementation of pumping reductions in the Central Management Area (CMA) and the impending adjudication. For the implementation of pumping reductions, the CBGSA has developed policy points for this effort and reviewed them with the SAC and Board. The CBGSA is currently in the process to review any potential variance requests by the November 4, 2022, Board meeting prior to development of final allocations in the CMA for 2023 and 2024. Regarding the adjudication, the CBGSA is not a named party, but CBGSA's legal counsel continues to monitor its process and periodically provide reports to the Board.

The CBGSA Board established an advisory group called the Standing Advisory Committee (SAC). The 7-Member SAC is comprised of local community members whose purpose is to make recommendations to the Board on technical matters prior to Board meetings (the SAC meets the week preceding Board meetings). Due to limited internet connectivity in the basin, it is important to mail information regarding public workshops and key activities which the CBGSA routinely does. Due to COVID, the CBGSA has been unable to hold an in-person public workshop, but that has now been planned for August 25, 2022, to provide a venue outside of Board and SAC meetings for the public to engage with staff and understand GSA activities. Cuyama does have disadvantaged communities and the CBGSA makes efforts to provide information to these communities through the SAC and direct mailings. There remain two vacancies on the SAC for members of the Hispanic community which outreach is occurring to fill these positions.

The CBGSA recently received $7.6M of grant funding over a 3-year period from DWR and the CBGSA plans on installing additional dedicated monitoring wells, piezometers to be installed near groundwater dependent ecosystems, rehab the existing CIMIS station, install a new CIMIS station, perform an aerial river channel survey, update land use, and update the numerical model in Fiscal Year 2023-2024, among other projects.

For more information, please visit the Cuyama Basin GSA Website.[13]

[13] https://cuyamabasin.org

Santa Ynez River Valley Groundwater Basin

Bill Buelow, Groundwater Program Manager of the Santa Ynez River Water Conservation District, provided the following update:

The Santa Ynez River Valley Groundwater Basin (Basin) is classified by DWR as being a Moderate Priority basin. The Basin is arranged into three Management Areas: Western (WMA), Central (CMA) and Eastern (EMA). There are a total of eight agencies participating in SGMA in the Basin including the Cities of Lompoc, Solvang and Buellton, community services districts including the Vandenberg Village and Mission Hills Community Services Districts, the Santa Ynez River Water Conservation District-Improvement District Number 1 (ID No. 1), the Santa Barbara County Water Agency (Water Agency) and the Santa Ynez River Water Conservation District (River District). The River District and the Water Agency are the only two agencies in all three Management Areas, with the former (River District) being the point of contact and coordinator for all three Management Area GSAs. The GSAs were each formed under a Memorandum of Agreement. Funding for the GSP preparation came from one or more agencies in each Management Area. In addition, the Basin was awarded two DWR grants, one for the GSP preparation activities, and a second to perform an Aerial Electromagnetic (AEM) survey in the WMA and CMA. The EMA had its own AEM survey that was paid for by the Water Agency.

Each GSA submitted its own GSP in January of 2022. The three GSAs entered into a SGMA Coordination Agreement as required by SGMA. In addition, the three GSAs also entered into an Intra-Basin Coordination Agreement to further coordinate on SGMA related activities in common. Each formed a Citizen Advisory Group (CAG). The three CAGs each consist of representatives of the various users and uses of groundwater in each respective management area. The three GSAs are currently working on Projects and Management Actions as described in their respective GSP. Plans for future governance are currently underway, including the potential formation of Joint Powers Agreement(s) between the agencies to implement the GSPs.

For more information, please visit the Santa Ynez River Valley Groundwater Basin Website.[14]

HUMAN RIGHT TO WATER

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities. Related to SGMA, groundwater contamination and overdraft are both primary factors that limit universal access to safe water in

[14] https://www.santaynezwater.org/

California today. Groundwater sustainability planning is an important opportunity for advancing safe and affordable drinking water access in California by improving drinking water supply reliability and drought resilience. To prevent disproportionate impacts on underrepresented communities and promote human right to water implementation in the state, GSPs must fully address drinking water uses and users. In July 2020, UC Davis prepared a report evaluating SGMA and the Human Right to Water.[15] The GSA presentations provided as part of this agenda item will also include information about how the agencies are addressing water quality priorities in the basin, including the protection of safe drinking water.

ENVIRONMENTAL JUSTICE

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities[16]. Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

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[15] https://environmentalpolicy.ucdavis.edu/sites/g/files/dgvnsk6866/files/files/person/Final%20Report%20-%20English.pdf

[16] Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

Related to SGMA, DWR developed the Underrepresented Community Technical Assistance Program[17] (URC TA Program) after learning that GSAs have not been able to address the needs, risks, and vulnerabilities with the implementation of SGMA for underrepresented areas in medium and high priority basins to a sufficient extent within their GSPs. DWR recognizes the need for additional assistance and, thus, implemented the URC TA Program to address this need. The mission of the URC TA Program is to determine the needs, risks, and vulnerabilities with the implementation of SGMA for underrepresented areas in medium and high priority basins, The GSA presentations provided as part of this agenda item will include information about how the agencies are engaging underrepresented communities.

CLIMATE CHANGE

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has developed the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15[18] and the State Water Board's Climate Change Resolution No. 2017-0012[19]. Consistent with these directives, the Central Coast Water Board prioritizes actions that address climate change adaptation and mitigation strategies to help reduce the resulting impacts to water quality.

On March 28, 2022, Governor Gavin Newsom issued Executive Order N-7-22[20] to address California's extreme and expanding drought conditions. The order includes numerous mandates for water conservation, permit streamlining, and modifications to current regulations to address the drought. Of particular significance to SGMA, the order requires additional review of well permits by local jurisdictions and GSAs to ensure protection of health, safety, and the environment during the drought emergency. Specifically, Executive Order N-7-22 Action 9,[21] requires additional considerations before the approval and issuance of a well permit due to the increasing severity of the current drought conditions. The GSA presentations provided as part of this agenda item will include information about how the agencies are addressing the Executive Order N-7-22.

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[17] https://water.ca.gov/Work-With-Us/Grants-And-Loans/Sustainable-Groundwater/Underrepresented-Communities-Grants
[18] https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/39-B-30-15.pdf
[19] https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf
[20] https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf
[21] https://water.ca.gov/-/media/DWR-Website/Web-Pages/Water-Basics/Drought/Files/Publications-And-Reports/FAQ-Document_Executive-Order-N-7-22-Action-9_ay11.pdf

SGMA and Underrepresented Farmers

An important issue at the intersection of the human right to water, environmental justice and climate change, is the impact of SGMA on underrepresented farmers. As part of this information item, Ngodoo Atume, Water Policy Analyst at Clean Water Action/Clean Water Fund will present information about the May 2022 report titled, "SGMA and Underrepresented Farmers[22]", which describes the impact of GSPs on underrepresented farming communities. Ms. Atume also provided the following discussion of SGMA and underrepresented farmers:

SGMA regulations require consideration and engagement of all beneficial uses and users of groundwater. Both the establishment of GSAs and the development and implementation of GSPs require inclusion and engagement of "agricultural users." Given that underrepresented farmers make up a part of agricultural users, it is reasonable to assume that GSAs would make efforts to incorporate and address their concerns. Further, the implementation of SGMA has the potential to either benefit or harm underrepresented farmers, depending upon how plans are implemented. If SGMA can stabilize groundwater levels and avoid dewatering shallow irrigation wells, these farmers will benefit in the long term. If GSPs do not proactively address groundwater level problems in the basin and consider all beneficial users, underrepresented farmers risk being disproportionately affected by lowering groundwater levels because of their dependence on shallow irrigation wells and their limited resources to pay for and operate deeper wells. Whether or not the outcome of SGMA is beneficial, the long-term manner of implementation can impact underrepresented farmers.

Rising temperatures due to climate change are exacerbating drought conditions. During dry periods, groundwater pumping increases to compensate for reduced surface water, lowering groundwater levels. Underrepresented farmers dependent on groundwater are left to deal with the consequences of their shallow wells going dry, while larger farms can tap into their resources and access alternative ways to sustain production (e.g., drilling deeper wells or purchasing water). Proper implementation of SGMA should address disproportionate impacts of drought on these farmers.

Many GSPs are considering the adoption of groundwater fees to fund SGMA implementation. In addition, basins declared probationary by the State Water Board will be required to pay fees. How those fees are assessed may disproportionately impact underrepresented farmers; first because fees are another expense that many of these farmers are ill-equipped to pay and second because some fees are proportionately higher for underrepresented farmers; this is particularly true when flat fees are instituted, or where farmers with large acreages receive a per acre discount.

[22]https://www.cleanwateraction.org/sites/default/files/docs/publications/Underrepresented%20Farmers%20and%20SGMA%202.0.pdf

Water supply allocations may pose another threat to underrepresented farmers. Most GSAs in critically overdrafted basins are considering demand management actions such as water allocations, where baseline withdrawals are established as an effective means to limit groundwater pumping. GSAs must set a limit or "cap" on the overall amount of groundwater that is removed from the subbasin, assigning portions of this capped amount to groundwater pumpers in the form of a pumping allocation. Water allocations that provide every acre the same amount of water can put these farms at a disadvantage because they operate on significantly smaller acreages and may lack access to alternative water supplies or to funding that would allow them to reduce their water use, for example by installing and maintaining drip irrigation lines.

Tenant farmers are at risk of losing their leaseholds if landlords decide to sell the water rights from leased property on a water market. Tenant farmers may be unable to compete in these markets if the water market structure limits participation to existing water rights holders. Lack of resources could also restrict access to water markets. It is critical that underrepresented farmers be included in the design phase of groundwater markets to ensure their needs and concerns are addressed, and that a framework is established to protect them in the long term. The Fox Canyon model is an example of a groundwater market designed to support the participation and engagement from all stakeholders. Through a set of parameters such as neutral third-party administration, adaptive management, anonymous users and trades, as well as setting limits on trading, the Fox Canyon model provides a series of best practices that could help protect small farms.

Land fallowing is being considered by some agencies to address overdraft and meet sustainability requirements. With land fallowing, lower value crops such as alfalfa will likely be the first to be taken out of production. Land fallowing incentive programs are more likely to benefit larger farms that have the flexibility to take land out of production without significant economic impact. Smaller farms that already operate on smaller acreage are less equipped to weather the impacts of mass land fallowing. To identify whether and how these potential impacts to underrepresented farmers are identified in the implementation of SGMA, the Clean Water Action report seeks to analyze how underrepresented farmers were considered in the submitted 2020 GSPs.

CONCLUSION

SGMA and groundwater sustainability planning is a critical opportunity for improving drinking water supply reliability and drought resilience in California, and to help ensure safe and affordable drinking water access for all communities. Central Coast Water Board staff will continue to track and engage with GSAs, DWR, and the State Water Board to inform and achieve positive water quality outcomes as GSAs initiate GSP implementation. In some cases, GSP implementation projects and management measures may fall under the water quality permitting purview of Water Boards (e.g., groundwater recharge projects, etc.). Staff will work with GSAs and stakeholders to

prioritize these permitting efforts, as appropriate, to advance groundwater sustainability and ensure water quality protection.

ATTACHMENT

1. Attachment 1 – Complete Groundwater Basin Updates for Salinas Valley Groundwater Basin and Corralitos Groundwater Basin - Pajaro Valley Subbasin