

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 709 (Jeff Gonzalez) – As Introduced February 14, 2025

SUBJECT: Sustainable Groundwater Management Act: groundwater sustainability plans

SUMMARY: Clarifies that groundwater sustainability agencies (GSA) may amend a coordination agreement after the Department of Water Resources (DWR) has issued an assessment of the GSAs' groundwater sustainability plans (GSP).

EXISTING LAW:

- 1) Requires, under the Sustainable Groundwater Management Act (SGMA), that local agencies manage groundwater sustainably in high- or medium-priority basins by 2040 or 2042. Defines sustainable management of groundwater as the avoidance of the following six “undesirable results:” (a) chronic lowering of groundwater levels; (b) reduction of groundwater storage; (c) seawater intrusion; (d) degraded water quality; (e) land subsidence; and (f) depletions of interconnected surface water (Water Code §§ 10720 *et seq.*).
- 2) Defines “coordination agreement” as a legal agreement adopted by two or more GSAs that provides the basis for coordinating sustainable groundwater management within a groundwater basin (Water Code § 10721).
- 3) Permits multiple GSPs implemented by multiple GSAs in a high- or medium- priority groundwater basin so long as sustainable management is coordinated pursuant to a coordination agreement that covers the entire groundwater basin (Water Code § 10727).
- 4) Requires DWR to adopt regulations for, among other things, evaluating coordination agreements and GSPs (Water Code § 10733.2).
- 5) Requires, where there are multiple GSPs and GSAs in a groundwater basin, the GSAs to include a coordination agreement when submitting the groundwater basin’s GSPs to DWR for review (Water Code § 10733.4).

FISCAL EFFECT: Unknown. This bill is keyed non-fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author contends this bill addresses an ambiguity under existing law by allowing GSAs to amend their coordination agreements in between DWR periodic reviews if necessary to address emerging needs or trends. According to the author, “SGMA requires continued cooperation and coordination to advance a more sustainable groundwater system for California’s agricultural community, residents, and economy. California’s laws must ensure flexibility for those parties that are responsible for [GSPs] to work together – especially those under coordinated agreements. Providing the legal and statutory authority to amend their coordination agreements will foster adaptive management strategies to address any deficiencies or necessary changes in internal governance. This bill is important to

continue advancing collaborative partnership efforts within various regions and groundwater basins to manage a critical resource such as groundwater sustainably.”

- 2) **Background.** Out of the 515 groundwater basins identified by DWR in *California's Groundwater* (Bulletin 118), 94 must comply with SGMA (those groundwater basins classified as medium- or high- priority). More than 250 GSAs have been formed to meet SGMA's requirements since 2017. Some groundwater basins subject to SGMA have more than 20 GSAs. While not ideal, the existence of multiple GSAs and GSPs within the same groundwater basin was agreed to when SGMA was being negotiated in 2014 so long as multiple GSPs covering the same basin are coordinated pursuant to a coordination agreement. SGMA's regulations (23 CCR § 357.4) lay out requirements for coordination agreements, including a point of contact, procedures for timely exchange of information between GSAs, how the GSAs have used the same data and methodologies in preparing GSPs, and how the GSPs will together achieve sustainable groundwater management. DWR determined that the GSPs for seven groundwater basins were “inadequate” and referred these basins to the State Water Resources Control Board (State Water Board) for potential probationary designation. Failure to share the same technical information and assumptions was one deficiency commonly cited by DWR in its review of “inadequate” basins.
- 3) **Policy consideration.** It is not clear if the statutory changes in this bill are necessary to allow GSAs to amend coordination agreements required under SGMA. The Committee may wish to request that the author identify examples where GSAs have not been able to amend coordination agreements or, at least, where any ambiguity under existing law has hindered efforts to amend coordination agreements should this bill move forward.
- 4) **Related legislation.** SB 1220 (Hurtado) of 2022 was substantially similar to this bill. SB 1220 was referred to the Senate Committee on Natural Resources and Water, but never heard.

AB 617 (Perea), Chapter 666, Statutes of 2015, among other provisions, authorizes a GSA that finds that a state entity is not working cooperatively regarding implementation of a GSP, to file notice with the State Water Board regarding its finding.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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