



Media Release

Water Board to hold first probationary hearing under the Sustainable Groundwater Management Act

Tulare Lake prioritized due to impacts to dry wells and subsidence affecting infrastructure and communities

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SACRAMENTO – Signaling the next stage in California’s actions toward ensuring the long-term viability of its groundwater supplies, the State Water Resources Control Board today issued a public notice for a hearing on potentially placing the Tulare Lake Groundwater Subbasin on probationary status under the landmark [Sustainable Groundwater Management Act](#) (SGMA). This step follows continued engagement with groundwater sustainability agencies regarding the basin’s groundwater sustainability plan since 2021.

To help inform the April 16 hearing, the State Water Board released a draft staff report that describes the basin’s conditions and makes recommendations for addressing key deficiencies in [Tulare Lake’s groundwater sustainability plan \(GSP\)](#), which continue to negatively impact infrastructure and communities in the basin. Today’s notice begins a 60-day public comment period to gather input from stakeholders and others, which will be incorporated into a final draft report.

The public notice marks a milestone in the implementation of SGMA through potential [state intervention](#). In March, the Department of Water Resources determined that the groundwater sustainability agencies (GSAs) for six basins, including the Tulare Lake Subbasin in Kings County, had inadequate plans for making their groundwater sustainable by 2040. Following these determinations, the six basins were referred to the board for possible state intervention, as required by the legislation. Tulare Lake is the first of these basins to be scheduled for a hearing, where the board will decide if a probationary designation is warranted after a robust public input process.

The Department of Water Resources deemed the sustainability plan for Tulare Lake inadequate in several crucial sustainability categories. These categories include the percentage of wells at risk of running dry and the threat of land subsidence, a phenomenon in which chronic overpumping of water leaves underground aquifers, and the land above them, susceptible to collapse. In 2022, 27 wells in the basin were reported as having gone dry; [according to state estimates](#) last April, 698 domestic wells in the basin are at risk of going dry during drought. Local flood control districts have had



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to raise the levees protecting the city of Corcoran twice in the last decade to compensate for ongoing subsidence.

“The intervention process is meant to support SGMA’s primary goals, which are to protect groundwater supplies while also facilitating sustainable management at the local level. Our aim is to work with GSAs to improve their plans so intervention is no longer needed,” said Eric Oppenheimer, chief deputy director for the State Water Board. “But to get there, the board needs to hear from all affected parties so its decisions reflect the realities and concerns of those relying on groundwater today and into the future. This includes groups who may not have been involved yet in groundwater management in these basins, such as community members, farmers and businesspeople.

“No decision has been made yet about whether Tulare Lake will be designated as a probationary basin; the comment period on the staff report and the later public hearing are key opportunities for people to make their voices heard.”

Since direct state involvement in the management of groundwater has never occurred in California before, and because the SGMA process can be complex, the board opted to hear the probation case for a single basin initially, with hearings for the five other basins to follow. In prioritizing the basins for probationary consideration, the board weighed not only the different degrees of groundwater overdraft in those basins, but also the real and potential impacts of that overdraft on infrastructure and communities, especially communities of color already experiencing disproportionate environmental burdens.

At the hearing, the board will determine whether to place the Tulare Lake basin on probation. If it does, most groundwater pumpers would be required to [report their groundwater usage and pay state fees](#) 90 days following the onset of probation. In the meantime, the five groundwater sustainability agencies (GSAs) overseeing the Tulare Lake basin would have at least a year to achieve a viable sustainability plan, at which point the board could terminate probation. If there still is no acceptable plan, at the end of a minimum of one year, the board could extend probation or move forward with the next stage of the state intervention process, which could include the board temporarily implementing its own plan to prevent the depletion of the groundwater supply.

The public hearing on the Tulare Lake Subbasin will be held on April 16, 2024, at 9:30 a.m. in the California Environmental Protection Agency Headquarters Building in downtown Sacramento. The public may participate in person or online or just view the meeting remotely.

In November, board staff will hold two workshops to explain the details of its draft report on the Tulare Lake groundwater basin and share more information about how to participate in the board’s process. The online staff workshop will be held Nov. 3, 11 a.m. to 1:30 p.m., followed by the in-person workshop on Nov. 8, 6-8:30 p.m.

Unregulated pumping, or overdraft, has been occurring in many of California’s groundwater basins for decades, causing dry wells and damaged infrastructure in many

places, including rural, economically disadvantaged communities, and harming wildlife and ecosystems.

In 2014, California enacted SGMA, which established a new framework for how groundwater would be managed locally to achieve long-term sustainability. Under SGMA, GSAs in basins designated as medium and high priority by the Department of Water Resources are required to achieve long-term sustainable management of their groundwater within 20 years of implementing their GSPs – which is 2040 in critically overdrafted basins and 2042 in all remaining medium and high priority basins.

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper resource allocation and efficient use for present and future generations.