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## State Water Resources Control Board

# NOTICE OF OPPORTUNITY TO PROVIDE FEEDBACK, PUBLIC STAFF WORKSHOPS, AND PUBLIC BOARD HEARING FOR THE PROPOSED DESIGNATION OF KERN COUNTY SUBBASIN AS A PROBATIONARY BASIN

Este aviso está en español en: [bit.ly/sgma-kern](https://bit.ly/sgma-kern)

Contact us to request language services and/or information in your language:

ਆਪਣੇ ਭਾਸ਼ਾ ਵਿਚ ਭਾਸ਼ਾ ਸੇਵਾ ਅਤੇ/ਜਾਂ ਜਾਣਕਾਰੀ ਦੀ ਬਿਨਾਂ ਕਰਨ ਲਈ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ:

Makipag-ugnayan sa amin para humiling ng mga serbisyo sa wika at/o  
impormasyon sa iyong wika:

Txuas lus rau peb los thov cov kev pab cuam txhais lus thiab/los sis cov ntaub  
ntawv ua koj hom lus:

[Bit.ly/LanguageAccessForm](https://bit.ly/LanguageAccessForm) | [sgma@waterboards.ca.gov](mailto:sgma@waterboards.ca.gov)

### NOTICE IS HEREBY GIVEN

The California State Water Resources Control Board (State Water Board or Board) will hold a public hearing at which it will consider designating the Kern County Subbasin as a probationary basin pursuant to the Sustainable Groundwater Management Act (SGMA). The Board is seeking comments from the public to inform its decision. All members of the public are therefore encouraged to provide input at the hearing, leading up to the hearing at public workshops, or in writing, as described in this notice. The hearing itself will include time for public comments that the Board will consider. Participants can provide comments during the hearing in-person or via Zoom. Spanish interpretation will be available. Additionally, there will be a watch-only webcast option for viewing the hearing. The State Water Board will hold the public hearing at the time and location noted below.

### Public Board Hearing

**Thursday, February 20, 2025, at 9:00 AM**

#### In-Person Location

Coastal Hearing Room  
Joe Serna Jr.– CalEPA Headquarters Building  
1001 I Street, Second Floor  
Sacramento, CA 95814

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

### To Participate Virtually and Provide Oral Public Comment During the Hearing

Before or on the day of the public Board hearing, fill out a virtual speaker card using our online form at [bit.ly/speaker-card-form](https://bit.ly/speaker-card-form). The form will not accept responses until a few days prior to the public hearing. The Board clerk will respond with Zoom login information in advance of the meeting. For more information about participating remotely, please visit [bit.ly/providingcomments](https://bit.ly/providingcomments).

### To Watch Only and Not Provide Comment

The English and Spanish webcast of the public hearing with closed captioning can be accessed at [video.calepa.ca.gov](https://video.calepa.ca.gov).

### **PROVIDE FEEDBACK ON STAFF RECOMMENDATION**

The State Water Board will not make a decision about a probationary designation for the Kern County Subbasin prior to the public hearing described above; however, State Water Board staff have developed a draft recommendation for the Board to consider, which describes the actions staff recommend the Board should take. Staff invite your input on the draft staff report **no later than September 23, 2024, at 12:00 noon**. Staff will consider all comments received by September 23, 2024, at 12:00 noon deadline when developing the final staff report. The following documents are available for review:

- Draft Staff Report – Executive Summary in English: [bit.ly/kern-draft-summary](https://bit.ly/kern-draft-summary)
- Draft Staff Report – Executive Summary in Spanish: [bit.ly/kern-borrador](https://bit.ly/kern-borrador)
- Draft Staff Report – Full Report (in English only): [bit.ly/kern-draft-report](https://bit.ly/kern-draft-report)

### **INSTRUCTIONS FOR SUBMITTING WRITTEN COMMENTS**

Persons interested in submitting written comments on the notice of hearing or draft staff report are encouraged to submit electronic comments. All written comments **must be received no later than September 23, 2024, at 12:00 noon**. Please use the subject line: “**Comments – Kern County Subbasin.**”

**Electronic Comments:** Written comments may be submitted electronically via email in pdf format (if less than 15 megabytes in total size) to [SGMA-Kern@waterboards.ca.gov](mailto:SGMA-Kern@waterboards.ca.gov). If the file is greater than 15 megabytes in size, the written comments may be submitted by fax at (916) 341-5620, in multiple emails, by mail, or by hand delivery.

**Mail/Hand Delivery:** Comments submitted by mail or hand delivery must be addressed as follows:

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor, Sacramento, CA 95814-0100 (**hand delivery**)  
P.O. Box 100, Sacramento, CA 95812-2000 (**mail**)

Mail must be received (not postmarked) at the State Water Board office by September 23, 2024. All hand-delivered submittals must arrive and be date and timestamped prior to September 23, 2024, at 12:00 noon. Couriers delivering hard copies of comment letters must check in with lobby front desk personnel who will contact the Clerk to the Board at (916) 341-5611.

Information regarding how to comment on the final staff report will be provided after the final staff report is available. If you would like a copy of the written comments submitted on this subject, please send a request to [SGMA-Kern@waterboards.ca.gov](mailto:SGMA-Kern@waterboards.ca.gov) identifying the subject listed above. Copies of written comments will not be available until after the comment deadline.

## **PUBLIC STAFF WORKSHOPS PRIOR TO PUBLIC PROBATIONARY BOARD HEARING**

Staff will also hold two public staff workshops to explain the draft staff report and share more about how to participate in the State Water Board's state intervention process. Staff will also accept verbal public comments on the draft staff report at the workshops. While a quorum of the State Water Board may be present, the State Water Board will not take regulatory action at the workshops.

### **Virtual Staff Workshop**

**Monday, August 26, 2024**

**11:00 AM – 1:30 PM**

Staff presentation will start at 11:00 AM

Staff will begin accepting public comments at 12:15 PM

[Zoom link: https://waterboards.zoom.us/j/95481583017](https://waterboards.zoom.us/j/95481583017)

*English and Spanish webcast of the virtual staff workshop with closed captioning will be available at [video.calepa.ca.gov](http://video.calepa.ca.gov). If you wish to ask a question or make a comment, please join using the Zoom link.*

### **In-Person Staff Workshop**

**Thursday, August 29, 2024**

**5:30 PM – 8:30 PM**

(No internet viewing option; in-person only)

Staff presentation will start at 5:30 PM

Staff will begin accepting public comments at 7:00 PM

Hodel's Country Dining: Liberty Hall

5917 Kundsens Drive

Bakersfield, CA 93308

## **LANGUAGE ACCESS**

Spanish language interpretation will be provided at the public staff workshops and at the public Board hearing on February 20, 2025. To request interpretation in another language or sign language services, please submit your request by the following

deadlines: August 12, 2024, for the August 26, 2024, virtual public workshop, August 15, 2024, for the August 29, 2024, in-person public workshop, and February 5, 2024, for the February 20, 2025, public Board hearing. Submit your request using one of the following options:

- Complete an online request at [bit.ly/LanguageAccessForm](https://bit.ly/LanguageAccessForm)
- Call (916) 341-5254
- Email [OPP-LanguageServices@waterboards.ca.gov](mailto:OPP-LanguageServices@waterboards.ca.gov)

## **ACCESSIBILITY**

Hodel's Country Dining: Liberty Hall and the CalEPA Building are both accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5261 at least 5 working days prior to the meeting. Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

## **PARKING**

August 29, 2024 Public Staff Workshop:

Public parking is available at the Public Staff Workshop venue:

Hodel's Country Dining  
5917 Knudsen Drive  
Bakersfield, CA 93308

February 20, 2025, Public Board Hearing:

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map at [www.calepa.ca.gov/headquarters-sacramento/location](http://www.calepa.ca.gov/headquarters-sacramento/location).

All visitors to the CalEPA Building are required to sign in and obtain a visitor badge at the Visitor Services Center located just inside the main entrance (10th Street entrance) of the lobby of the building. Valid picture identification may be required. Please allow up to 15 minutes for checking in at the front desk.

## **BACKGROUND**

### **SGMA and State Intervention**

SGMA (Senate Bill [SB] 1168, Assembly Bill 1739, and SB 1319) requires local groundwater sustainability agencies (GSAs) to develop and implement groundwater sustainability plans (GSPs) so that the many uses of groundwater can continue into the future. If local GSAs do not propose an adequate plan to sustainably manage groundwater use in their basin, SGMA gives the State Water Board authority to protect groundwater resources through a process called "state intervention." State intervention

is additional to local management and is intended to be temporary, lasting only until local agencies demonstrate an adequate plan to manage their respective basins.

### **Inadequate Groundwater Sustainability Plans and State Intervention Trigger**

The Department of Water Resources (DWR) has designated the Kern County Subbasin as a high-priority basin that is subject to critical conditions of overdraft. The GSAs for the Kern County Subbasin adopted five GSPs for the Subbasin in January 2020 and submitted the plans to DWR for review. The GSAs subsequently adopted revised GSPs in 2022, referred to as the 2022 GSPs, to address issues (deficiencies) identified by DWR.

On March 2, 2023, DWR determined the 2022 GSPs for the Kern County Subbasin to be “inadequate.” The DWR inadequate determination of the Kern County Subbasin GSPs triggers state intervention with the State Water Board. (Wat. Code, § 10735.2, subd. (a)(3).)

### **Consideration of Groundwater Sustainability Plan Revisions**

The Kern County Subbasin GSAs submitted seven new draft GSPs and a coordination agreement to Board staff on May 28, 2024, referred to here as the 2024 Draft GSPs. The Kern County Subbasin GSAs propose that these 2024 Draft GSPs eventually replace the 2022 GSPs. Board staff conducted a preliminary review of the 2024 Draft GSPs. Board staff believe that multiple 2022 GSP deficiencies identified both in DWR’s inadequate determination and in the draft staff report remain in the 2024 Draft GSPs. Staff will continue review of the 2024 Draft GSPs in greater depth and will continue to provide feedback to the GSAs in the Kern County Subbasin regarding GSP improvement. Because deficiencies appear to remain in the 2024 Draft GSPs, and those deficiencies appear to be largely consistent with those in the 2022 GSPs, the draft staff report contains valuable recommendations and explanation of concerns that have continued applicability to the 2024 Draft GSPs.

Board staff will incorporate further review of the 2024 Draft GSPs into the final staff report. Staff invite interested persons to review the 2024 Draft GSPs and to provide written comments to the Board on whether and how deficiencies and potential actions identified in the draft staff report remain applicable to the 2024 Draft GSPs.

### **Effects of a Probationary Designation**

After state intervention is triggered in a groundwater basin, the next step is for the State Water Board to consider making a probationary determination for the basin. This is done through a public process that includes the probationary public hearing discussed in this notice. If the State Water Board designates a basin as probationary, GSAs have time to address the issues (deficiencies) that caused the basin to go into probation while the State Water Board will focus on data collection and analysis to better understand what management challenges are occurring in the basin.

To acquire the necessary data, the State Water Board can require extractors (groundwater pumpers) to install meters to measure and report their groundwater extractions accurately. Alternatively, the State Water Board can specify other means for measuring and reporting groundwater extractions. (Wat. Code, § 10735.2, subd. (c)(3).) Extractors must report all groundwater extractions annually to the State Water Board and pay reporting fees to cover the cost of Board activities, except where excluded by SGMA or the Board. (Wat. Code, § 5202.) The State Water Board may also conduct investigations and gather data necessary for sustainable groundwater management. (Wat. Code, § 10736.6.)

Local agencies have at least one year from the probationary designation to resolve the deficiencies identified by the State Water Board. If they demonstrate to the State Water Board adequate efforts to manage the basin, the State Water Board may end state intervention and extractors would no longer have to report or pay fees to the Board. If, after a year, local agencies have not resolved the deficiencies, the State Water Board may develop an interim plan to manage groundwater use in the basin. An interim plan is intended to be a temporary measure to protect groundwater until effective local management is in place. Adoption of an interim plan would only occur after public notice and a public hearing.

**The Kern County subbasin has not yet been designated probationary. No pumpers in the Kern County subbasin are required to report or pay fees to the state under SGMA at this time.**

### **SIGN UP FOR UPDATES**

Subscribe to our Groundwater Management email list to receive updates related to State Water Board actions under SGMA. See the “Stay Informed” section on the State Water Board’s SGMA website, [www.waterboards.ca.gov/sgma](http://www.waterboards.ca.gov/sgma).

### **ADDITIONAL INFORMATION**

Find information on state intervention in the Kern County Subbasin at the State Water Board’s Kern County Subbasin webpage [bit.ly/sgma-kern](http://bit.ly/sgma-kern).

For questions regarding the workshop or this notice, please contact us at [SGMA@waterboards.ca.gov](mailto:SGMA@waterboards.ca.gov) or at (916) 322-6508.

For more information about the State Water Board’s role in SGMA, visit: [www.waterboards.ca.gov/sgma](http://www.waterboards.ca.gov/sgma).

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Date                      July 25, 2024

  
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Courtney Tyler  
Clerk to the Board