



SUSTAINABLE GROUNDWATER MANAGEMENT ACT

Stakeholder Inclusion

This fact sheet offers suggestions regarding stakeholder inclusion and procedural transparency by groundwater sustainability agencies (GSAs). This fact sheet, and others, are available at www.waterboards.ca.gov/gmp.

Groundwater is a limited natural resource that Californians use for many purposes. In the state's high- and medium- priority groundwater basins, SGMA requires local groundwater sustainability agencies (GSAs) to develop and implement groundwater sustainability plans (plans) so that these uses can continue in the future.

Inclusive Processes Will Make Plans Better and More Resilient

SGMA requires consideration of the interests of diverse, social, cultural, and economic elements of the populations within the basin during plan development. Collaborative and inclusive processes can make plans more resilient by increasing buy-in and trust, improving compliance, and enhancing the quality of information on which plans are based. It is important that GSAs send appropriate notices; hold meetings in times, places, and manners that support effective engagement; and acknowledge issues raised. GSAs should consult with individuals or groups when actions may impose direct or indirect costs on those entities. Good governance can build trust and reduce legal risk. Consultation, for example, could help a GSA avoid or mitigate an action that might directly or indirectly cause a drinking water system to violate its permit or face new compliance costs due to reduced availability of water or lower water quality.

Required Actions

- ✓ Consider the interests of all beneficial uses and users of groundwater in the basin, including agricultural and domestic users, municipal uses, environmental uses, users of interconnected surface water, federal and state agencies, California Native American tribes, and disadvantaged communities. (Wat. Code, § 10723.2)
- ✓ Maintain a list of interested persons to whom the GSA will send notices regarding plan development, meetings, and other activities. (Wat. Code, § 10723.4)
- ✓ Issue a written statement describing the manner in which interested parties may participate in the development and implementation of the plan. This statement must be provided to



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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cities, counties, and public water systems located in the plan area. (Wat. Code, § 10723.8.)

- ✓ Provide notice and hold a public hearing prior to adoption or amendment of a plan. (Wat. Code, § 10728.4.)
- ✓ Describe GSA outreach efforts in plans. (California Code of Regulations, § 354.10(d)(3))

Suggested Actions

- ✓ Hold meetings in places and at times that support participation, including evening meetings to accommodate those unable to otherwise attend.
- ✓ Send notices both electronically and via mail.
- ✓ Send notices in languages that people understand and otherwise communicate effectively across diverse language groups.
- ✓ Ensure the notices are sent to disadvantaged communities, public water suppliers serving those communities, small agricultural operations, and other interest groups who may face barriers to participating in GSA efforts. People who are not active in, or represented by, an existing agency, association, or group, may need additional effort to reach and engage.
- ✓ Document GSA outreach efforts.
- ✓ Share outreach responsibilities with partner agencies that are available and have expertise in the subject.

Guidance on stakeholder communication and engagement is available at <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Best-Management-Practices-and-Guidance-Documents>

Brown Act Compliance

The Brown Act (Gov. Code, § 54950 et seq.) governs meetings conducted by local legislative bodies, including GSAs and some related advisory committees. The purpose of the Brown Act is to provide public access and transparency to local agency deliberations. The Brown Act imposes notice and agenda requirements for meetings and guarantees the right of the public to attend meetings and comment on agenda items, with limited exceptions. Compliance with the Brown Act will benefit GSAs by supporting engagement and limiting legal challenges to GSA decisions.

Required Action

Comply with the Brown Act. Amendments to the Brown Act were adopted in 2016, including new requirements for posting notices online. Brown Act compliance may apply to GSA committees as well as the decision-making body of the GSA.

Suggested Actions

Seek guidance. Cities and counties typically have expertise with the Brown Act and may be a good resource. Online guidance is also available: Brown Act guidance documents cover topics such as email practices, noticing meetings, and the public's right to attend, observe, and

participate in meetings. More information on the Brown Act and how it may apply is available at <https://www.cacities.org/Resources/Open-Government>.

Develop policies for access and transparency that go beyond the minimum requirements of the Brown Act to gain public confidence and prevent potential complaints or challenges that may delay implementation of SGMA.

Dymally-Alatorre Bilingual Service Act

In many basins, a significant number of non-English speakers are users of groundwater. The Dymally-Alatorre Bilingual Service Act (Gov. Code, § 7290 et seq.) applies to all local agencies that serve a substantial number of non-English speaking people. The goal of this act is to ensure that information and services are provided in the language of non-English speakers. Local agencies have discretion in determining what constitutes a substantial number of non-English speaking people and a sufficient number of qualified bilingual staff persons. (Gov. Code, § 7293.) A range of organizations may be available to assist with these efforts.

Required Action

Provide translation services where a substantial number of non-English speaking persons comprise the constituency of the GSA.

Suggested Action

Document the GSA determination of what constitutes a substantial number of non-English speaking people and a sufficient number of qualified bilingual GSA staff.

For More Information

This fact sheet and additional information on SGMA are available at the State Water Board website (www.waterboards.ca.gov/gmp).

The Board's SGMA program can be contacted at SGMA@waterboards.ca.gov.

These online resources may be updated. Parties interested in updates are encouraged to subscribe to the Board's Groundwater Management email list in the General Interests section at: https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html.

Additional guidance on outreach requirements pursuant to SGMA is available from the Department of Water Resources (DWR) at (<https://water.ca.gov/Programs/Groundwater-Management/Assistance-and-Engagement>).

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