

Bills regulating state's groundwater not an instant fix for aquifers

California is finally about to join the rest of the West in regulating groundwater supplies. But the package of bills awaiting Gov. Jerry Brown's signature is not an instant fix for the state's shrinking, over-pumped aquifers.

It could be decades, experts say, before the most depleted groundwater basins recover under the legislation, which is a historic step in a state that long resisted managing a key water source.

The bills, which Brown is expected to sign, will take years to implement. And they create a weaker regulatory framework than is found elsewhere in the West.

"This is a much more laissez-faire approach and a much more light-hand-of-government approach than just about any other state," said UCLA law professor Jonathan Zasloff.

In most years, groundwater amounts to between 30% and 45% of the state's water supplies. In dry periods such as the current drought, when reservoirs are low, that can jump to 60%. And some regions, such as the Central Coast, always draw the majority of their supplies from the ground.

Despite that reliance, pumping from most groundwater basins has gone unregulated, driving down water tables and in some areas causing land surfaces to sink more than 20 feet.

"We've been doing this going on 100 years," said Tim Parker, chairman of the legislative committee of the Groundwater Resources Assn., a professional group.

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Most groundwater is used for agriculture, and some of the most depleted basins are in the farm-rich Central Valley, where the water table dropped to record lows during the last six years. In parts of the southern valley, groundwater levels recently plunged by 60 feet or more over the course of a single year.

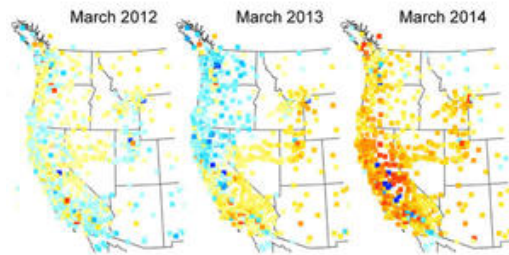
The bills, sponsored by Sen. Fran Pavley (D-Agoura Hills) and Assemblyman Roger Dickinson (D-Sacramento), are designed to halt that trend by directing local public agencies to establish groundwater entities that will develop sustainable management plans.

If the local agencies fail to do that, the State Water Resources Control Board can eventually step in and do it.

"What the state will need to do is to threaten enough so that they can get the local governments to do something, while all the time probably hoping that they won't actually have to do anything," said law professor Buzz Thompson, director of the Stanford Woods Institute for the Environment.

Authorities in the most over-pumped basins would have to submit sustainability plans to the state by January 2020. Other basins ranked as a priority would have another two years to adopt a plan. The agencies would then have an additional 20 years to stop serious overdraft, which means the full force of the measures wouldn't be felt until at least 2040.

For some experts, that is too long. "Meanwhile the problem gets more and more protracted and the potential exists for more and more irreversible damage," said Richard Frank, director of the California Environmental Law & Policy Center at UC Davis.



The bill also leaves wiggle room for local agencies. They are supposed to manage basins to avoid "an undesirable result," including a "significant and unreasonable depletion of supply" and "significant and unreasonable land subsidence."

But the measure doesn't define "significant and unreasonable."

The package was supported by the Assn. of California Water Agencies but opposed by agricultural interests.

"We thought these bills were too far-reaching," said Paul Wenger, president of the California Farm Bureau Federation. "They open the door for lawsuits on the environmental side of things.... But we also realize we can't continue to pump at will."

Drought and environmentally related cuts in surface water deliveries have increased groundwater demand, he said.

"We do know what our aquifers are doing and farmers have been concerned for years," Wenger added. "But when you have a huge mortgage and you have a huge investment and you have employees dependent on you, you do kind of look the other way — and it's unfortunate."

Under the legislation, local basin managers will have a number of powers: They can collect fees from groundwater users, monitor withdrawals, limit pumping and buy water or water rights to replenish aquifers.

"Some farmers are going to be having to cut back at least in the short run," said Doug Parker, director of the California Institute for Water Resources, which is part of the University of California system.

The legislation will have little effect on coastal Southern California, where groundwater litigation years ago resulted in heavily managed aquifers.

In other parts of the state, though, local water officials don't know the condition of their aquifers, Parker said.

"It's just been willful ignorance of what the groundwater basin can and can't do," he said.

Despite growers' reluctance to enter the new world of groundwater regulation, UC Davis groundwater hydrologist Thomas Harter predicted their successors will appreciate it.

"In the long run, my view is that the next generation and two generations down of farmers will find this a lifesaver," Harter said.

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