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## Farmers Hijack Community Water Access Despite Groundwater Act, Activists Say

By: Alastair Bland

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When a fire started on the property next door to Ray Cano's home, the neighbors used Cano's hose and well to fight the flames. Running the pump at full throttle, they managed to control the blaze until the fire department arrived. Then, the well's pump sputtered to a stop.

Cano later called a well inspector, who did some basic probing and discovered the problem: The well had run dry, causing the pump's motor to overheat. Cano had the man install a new pump and run the line about 40 feet deeper.

"He said that would last me another three or four years," said Cano, a mailman who lives with his wife in Tombstone Territory, a cluster of homes in central Fresno County surrounded by orchards.

That was in May 2015 — the peak of the state's epic drought, when farmers in the San Joaquin Valley aggressively pumped groundwater to irrigate their land. Groundwater tables had been dropping for years in the region, and the drought exacerbated the problem. During the five-year dry spell, thousands of residential wells ran out of water.

Something else also happened during the drought: State leaders passed a triage of bills known collectively as the Sustainable Groundwater Management Act, or SGMA, as the law is generally called (it's pronounced "Sigma"). Hailed as a legislative landmark that would bring relief to communities like Cano's, the well-intentioned but slow-moving law requires farmers and other community members to form "groundwater sustainability agencies" (called GSAs in the acronym-strewn landscape of SGMA). The GSAs then come up with "groundwater sustainability plans" (GSPs) that, through pumping reductions and enhanced recharge, should allow depleted basins to refill or at least stabilize over a span of 20-something years. In the long-term, SGMA would force farmers reliant on groundwater to reduce their crop production, putting hundreds of thousands of acres of land permanently out of production and striking a multi-billion-dollar blow to the state's agricultural economy. The upside is that SGMA would, in theory, make things right for many disadvantaged communities like Tombstone Territory.

But that's only if SGMA goes as planned, and it might not. According to watchdog activists overseeing the process, at least several of the groundwater sustainability plans now being reviewed by the California Department of Water Resources favor the interests of the farmers who rely on the region's aquifers. These activists say that farmers unfairly dominated groundwater sustainability meetings and ultimately steered the planning process in their favor. If the plans are accepted and implemented, they warn, farmers will keep pumping water at unsustainable rates.

"All the plans we've looked at are going to cause wells to go dry," said Amanda Monaco, the water policy coordinator for the Leadership Counsel for Justice and Accountability, based in Fresno. "They are proposing a continuation of the status quo."

However, a fundamental disagreement over what exactly "sustainable" means has divided social justice advocates and the farming industry. At the Central Kings GSA, manager Phil Desatoff said

there is little doubt that the groundwater level will drop further but that, at some point in the near future — unpredictable because of weather and climate dynamics — it will stabilize at a deeper elevation.

“But the environmental justice groups are suggesting we don’t let the water table drop at all,” Desatoff said. “Why is that fair? If we restrict groundwater pumping like they suggest to protect a few dozen homes, then farmers go out of business.”

To Desatoff, even communities like Tombstone Territory, afflicted as it is by developing nation-type water quality and supply problems, must be prepared to absorb more groundwater shock.

“Yeah, they’ll have to spend money deepening their wells — everyone has to,” Desatoff said. He suggested that state leaders should direct some funding toward this solution.

To understand just how the draft groundwater sustainability plans for the San Joaquin Valley might play out, Monaco’s organization, along with the Community Water Center and Self-Help Enterprises, commissioned a technical review of 13 GSPs in the San Joaquin Valley. This analysis found that the proposed actions could allow more than 8,000 wells in Fresno, Merced and Tulare counties to run dry.

In Cano’s region, the Central Kings GSA proposed a plan that will allow 43% of wells to run out of water, according to the review. The nearby East Kaweah GSA’s plan appears worse. Covering farmland and communities at the east edge of the valley near Visalia, the plan sets a minimum groundwater elevation target lower than the deepest points of 83% of the region’s wells.

“They’re making a choice to let farmers keep draining the aquifers at the expense of groundwater and the communities that need it,” Monaco said.

But this interpretation is simplistic and only looks at the worst possible scenario, said Michael Hagman, executive director of the East Kaweah Groundwater Sustainability Agency.

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“They’re not telling the whole story,” said Hagman, who is also the general manager of the Lindmore Irrigation District. “If we did nothing for 20 years, we would hit that minimum threshold, but we’re not planning to do nothing.” He said his district specifically plans to drill new recharge wells and use percolation ponds to accelerate the rate at which water enters the ground. These actions, he promised, will stabilize declining water tables, if not draw them upwards.

Desatoff also challenged the findings of the review; he said the estimate on anticipated waterless wells includes those that have already run dry.

While the implications of the groundwater plans now under review are debatable, there seems to be no question that farmers attended SGMA meetings in vastly larger numbers than individuals from the region’s disadvantaged communities. Monaco and Hagman both recalled meetings at which farmers outnumbered community reps by a ratio of several dozen to one.

So did Jonathan Nelson, policy director for the Community Water Center.

“We’ve seen a fundamental imbalance of who’s been at the table,” Nelson said. “Many, if not most of the meetings, were held during work hours, without adequate translation services, and few members

of the communities attended.” The meetings, he added, “have not been fair and equal spaces for community input.”

The Central Kings GSA held monthly meetings on Wednesdays at 1 p.m. Cano said he saw little in the way of public outreach and that few residents knew the meetings were taking place. Moreover, his own schedule as a mail carrier wouldn’t allow him to go.

“I couldn’t take the time off of work,” he said.

As for the East Kaweah GSA, Hagman said it offered multiple public meetings during after-work hours and which were advertised via mailers and posters — but virtually nobody attended.

“We set these meetings up for 120 people, and we’d get six or seven people,” he said. “One time, I got two or three.” Farmers, in contrast, he said, consistently showed up by the dozens and even hundreds.

At an Assembly Budget Subcommittee hearing on March 4, 2020, Nelson asked state officials to consider the results of the technical review his group commissioned and take the time to conduct similar analyses of groundwater sustainability plans that he and his colleagues have not reviewed. He warned that, in the absence of such close scrutiny, the rollout of SGMA could undermine recent progress on securing safe and reliable water for disadvantaged communities.

Officials with the Department of Water Resources (DWR) declined a request for a phone interview, but their public information officer, Joyia Emard, communicated via email. She explained that before officials consider approving any plans, they are offering a 75-day public comment period, now open, for 43 different GSPs from 18 critically over-drafted groundwater basins. Domestic well-owners, agricultural water users and representatives for disadvantaged communities are all encouraged to weigh in with public comments. Instructions on how to submit comments are available in English and Spanish. (They can also be mailed to the Sustainable Groundwater Management Office at 901 P Street, Room 313B, Sacramento, Calif., 95814.)

“DWR has two years from the date plans were submitted to review the plans, in accordance with the regulations, and make final determinations,” Emard wrote.

She added that her department has awarded \$600,000 in grant funds to the Community Water Center and \$758,000 for the Leadership Counsel for Justice and Accountability to help the organizations engage disadvantaged communities in the groundwater planning process.

While community advocates are concerned about what will happen if SGMA goes wrong, many farmers are worried about the impacts the law will have if it goes right. Experts have predicted that reducing groundwater pumping to truly sustainable levels will ultimately cause as much as a million acres of irrigated land to be permanently pulled from production. The California Farm Bureau Federation has warned of SGMA’s potential “huge long-term economic impacts” to the state’s \$50 billion agricultural industry.

A recent report from UC Berkeley researchers David Sunding and David Roland-Holst also warned of heavy economic impacts from SGMA. Commissioned by a group of water users called the Water Blueprint for the San Joaquin Valley, the research found that SGMA, combined with proposed reductions in surface water transfers done for environmental reasons, could precipitate local losses of \$7.2 billion per year and, over the next few decades, tens of thousands of jobs in the San Joaquin Valley.

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Rows of water-intensive almond trees in Central Valley.

“Those growers drive our economy and probably provide some of the people in these communities with their jobs,” Desatoff said.

Monaco acknowledged the same thing.

“But people shouldn’t have to choose between whether they have water to drink in their home or whether they have a job,” she said.

She recalled that during the drought, “while cities were implementing conservation measures and families in Tombstone Territory’s wells were going dry, farmers next door were putting in almonds.” In fact, even with SGMA looming over the valley, farmers continue planting millions more trees per year, creating a strain on water supplies.

The way Monaco sees it, SGMA must impact agricultural production if the law is to truly fulfill its purpose.

“It has to force land out of production,” she said. “The valley is way overplanted.”

A few months ago, Cano turned the knob on his kitchen faucet, and the spigot coughed and sputtered—a sign that his well may be sucking air once again.

He and wife keep a stockpile of bottled water, but someday they plan to flee California’s climate and its policy positions that often favor industry over people and the environment.

“We’re thinking about Oregon,” he said.