

December 11, 2023

Ms. Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
*Comments transmitted via: [SGMA-TulareLake@waterboards.ca.gov](mailto:SGMA-TulareLake@waterboards.ca.gov)*

**RE: Comments – Tulare Lake Subbasin (Probationary Hearing Draft Staff Report)**

Dear Chair Esquivel, Board Members, and Staff,

The City of Corcoran appreciates the opportunity to provide written comments to the State Water Resources Control Board (State Water Board) on the Tulare Lake Subbasin Probationary Hearing Draft Staff Report (Draft Staff Report) in advance of the April 2024 Probationary Hearing. The State Water Board plays a critical role in the implementation of the Sustainable Groundwater Management Act (SGMA) for those basins that have been determined Inadequate by the California Department of Water Resources (DWR). One of the founding and central tenets of SGMA is that groundwater management is best managed at the local level, and for critical support of groundwater supplies necessary for sustaining local communities. Our City of Corcoran faces a very unique and challenging dilemma with SGMA implementation already, but our community is gravely concerned about the proposed staff recommendations that we fear will only compound and significantly deteriorate our community's local economic wellbeing.

Our City of Corcoran, established in 1914, is a small rural agricultural economy supported community with a population of approximately 21,442. Corcoran is one of four cities in the County of Kings, and the farthest south within the Tulare Lake Subbasin, and the only city within the El Rico GSA. Our city is entirely dependent upon groundwater. The City currently operates eight (8) well sites and produces about 5,600 acre feet a year. However, the majority of our wells (5) are located northeast in adjacent Tulare County and within another GSA (Mid-Kaweah GSA) outside of the Tulare Lake Subbasin. Our city is also situated along the historic shoreline of the ancient Tulare Lake, with several underground substrata clay layers that impede any effective direct vertical groundwater recharge to support our city within the El Rico GSA. This places our city wells sites on critical reliance for more horizontally angled recharge drawn from the east. Our city recognizes that SGMA is highly important to the long term groundwater sustainability within our region. However, we also realize that due to our unique location, any actions by this Board in relation to the Tulare Lake Subbasin Probationary hearing will not likely result in any advancement of groundwater sustainability that effectively serves Corcoran.

In review of staff recommendations related to the Tulare Lake Subbasin Probation hearing, our City is gravely concerned with the potential unintended financial consequences resulting from the imposition of premature excessive fines and penalties to our rural agricultural region that may be in the tens of millions. This will have a rippling effect upon our residents, businesses, and city services that compounds the financial recovery our community already is weathering from years of covid, and the recent 2023 flooding. Just like most other smaller San Joaquin Valley communities, we are already

faced with the rising costs of living with electricity, gas, food, homes, interest rates, and general goods and services which is placing greater strain on many hard working families that are already struggling to make ends meet and becoming a new class of vulnerable population. From our city perspective, the proposed staff recommendations as presented only serve to place greater financial burdens on our residents, businesses, and community without addressing the real goal of groundwater sustainability for our city. We are therefore strongly opposed to premature imposing of fines and penalties to our local agricultural economy that will ultimately impact our community's very own sustainability. As a general law city, Corcoran is supported largely by sales tax from agricultural supporting industries and the many hardworking families that are either employed by or associated with agriculture that live in Corcoran and purchase goods and supplies that supports local businesses.

Our city implores the State Water Resources Control Board to think creatively on approaches that incentivize and move Tulare Lake Subbasin GSAs towards compliance, and avoids excessive financial penalties to our region at all cost unless absolutely necessary as a last resort. While DWR has determined the Tulare Lake Subbasin Inadequate and the State Water Board is making advancements towards the Probationary Hearing, the City of Corcoran respectfully requests the State Water Board members and staff consider the following comments to ensure the process of transitioning a basin to state probation and then back to local control is ultimately conducted in an efficient way, maintaining focus on achieving groundwater sustainability within 20 years, supporting our communities and their water supply needs, and ensuring our economies continue to thrive.

**Comment 1:** Clarify the process for basins that are determined Inadequate by DWR and designated probationary; further clarify how a basin can exit probation.

In the Draft Staff Report, the State Water Board describes a two-step process which defines "probation". The first step includes the designation of probationary status, including the initiation of metering, reporting, and fees, and the second step includes the development of an interim plan by the State Water Board. To help communities, interested parties, and local groundwater sustainability agencies (GSAs) better understand what steps local GSAs must take, a clearer and more detailed public workshop and materials should be provided simply on the process and how to move through state intervention and probation. While the Draft Staff Report includes information generally about the two-step process, it would be extremely helpful to have greater detail regarding this process, especially since this is the first time under SGMA a groundwater basin is facing such enforcement measures. A clear path on what is required to exit probation must be provided and locals can plan accordingly.

Currently, the Tulare Lake Subbasin was determined Inadequate by DWR and is under State Water Board oversight, however the subbasin has not yet been designated as under probation. A series of actions that locals can pursue prior to probation should be made available as soon as possible. Once a basin is designated as probationary after the formal hearing, a similar series of actions should be identified. These actions will serve as options for local decision-makers and communities to voice their concerns to both the local GSAs and the State Water Board and move throughout this process as efficiently as possible. Similarly, it is unclear what type of information, discussion, or opportunity to provide public comment will look like at the probationary hearing. This information should be provided 60 days in advance of the hearing date to allow entities to prepare for what to anticipate during the hearing. Lastly, we would like to request that cities have an opportunity to share the perspectives of our municipal water supply during the probationary hearing. The Probationary Hearing must allow for and include a diverse set of perspectives so that the State Water Board makes a well-rounded decision on how to move forward with this subbasin. This will ensure that local agencies like our city can fully engage in this process and adequately communicate these complex matters to better inform and encourage the public to participate.

**Comment 2:** Allow the GSAs to work with local interested parties to develop a revised GSP to address the deficiencies prior to an interim plan.

We appreciate the Draft Staff Report specifies that one option is for the local GSAs to revise the GSP to address any of the deficiencies. To ensure that state oversight can ultimately be returned to local management, the State Water Board should work with local GSAs and strongly encourage a revised GSP to be the first pathway to working with their communities to resolve the deficiencies. A revised GSP could include the re-structuring of minimum thresholds and measurable objectives, and prioritization of projects and management actions to address and avoid undesirable results. In particular, we are especially glad to see recommendation actions in the Draft Staff Report to address the deficiencies, including, on page 15:

- Define the undesirable result for the chronic lowering of groundwater levels. Meaningfully engage with users in the subbasin to seek and incorporate feedback on a definition of an undesirable result for chronic lowering of groundwater levels specific to the subbasin and protective of drinking water users.

[...]

- Commit to accessible, comprehensive, and appropriately funded well impact mitigation programs that mitigate impacts to wells affected by lowering of groundwater levels and degradation of water quality.

By allowing GSAs to have an integral role in the next steps that the State Water Board defines, they will be able to maintain continuity in local management once the basin is out of probation. Cities are engaging and partnering with the GSAs to work towards overall groundwater management in the Tulare Lake Subbasin and we would like to continue to do so on critical issues like chronic lowering of groundwater levels and drinking water mitigation. Our city has direct communication and engagement from our local El Rico GSA. However, the challenges of a very diverse area of geographic soil conditions, recharge capability, and multiple GSA management areas makes for a more complex coordination process deserving of more time and consideration in coming together for GSP cohesiveness.

**Comment 3:** Provide additional time and state resources to support our local economies with a smooth transition through probation and towards sustainable groundwater management.

The impact of state intervention and probation will come with significant cost to the Tulare Lake Subbasin and have significant financial implications for disadvantaged communities, especially those highly dependent upon a rural agricultural economy. The cost of complying with state probation will directly impact the communities and this region of the state, which supports both global and statewide agricultural markets. While we support sound planning and sustainable management of groundwater, we also must have state support in lessening the economic impact on our community members. Therefore, we request the State Water Board provide a phased approach on the extraction reporting and associated fees, starting with an assessment of the largest extractors in the subbasin coupled with relevance to domestic and municipal water supply. Absent the direct relevance to potable water supplies will potentially arbitrarily align regulatory cost implications on groundwater users that are not impacting communities. This would lead towards better informed and targeted application of State Water Board compliance on classes of extractors who would over time begin reporting and paying fees as probation progresses. This approach would avoid a significant economic burden on our communities. Additionally, the State Water Board should partner with other entities, such as the Governor's Office of Business and Economic Development and the Labor and Workforce Development Agency to create a plan that aligns a region-specific, economic and community transition

with the shift towards sustainable groundwater management. Such programs, including the Community and Economic Resilience Fund (CERF) Program, will be integral to maintaining and encouraging our communities to continue to thrive and have a chance to withstand any additional financial implications to our local economy and communities. This is critically essential to the support and sustainability of disadvantaged communities like Corcoran that are highly dependent upon an agricultural economy and hard working families that depend upon agricultural industries.

Our City of Corcoran appreciates the State Water Board's consideration of these comments. If you have any questions or would like to discuss the comments, please contact me at [greg.gatzka@cityofcorcoran.com](mailto:greg.gatzka@cityofcorcoran.com) or (559) 992-2151 ext. 2510.

Respectfully,

A handwritten signature in blue ink, appearing to read "Greg Gatzka", is written over the typed name. The signature is stylized and fluid.

Greg Gatzka, City Manager