



RESPONSES TO FREQUENTLY ASKED QUESTIONS: GSP INITIAL NOTIFICATION REQUIREMENTS, WHEN IS A COORDINATION AGREEMENT NECESSARY, AND WHAT IS A PLAN MANAGER

The purpose of this frequently asked questions document is to inform groundwater sustainability agencies (GSAs) about the groundwater sustainability plan (GSP) initial notification requirements, as described in the Sustainable Groundwater Management Act (SGMA) and the GSP Regulations. Additional details are also provided in this document regarding coordination agreements and the identification of a plan manager, as well as a basin-wide point of contact if multiple GSPs are expected.

1. WHAT ARE THE OPTIONS FOR DEVELOPING A GSP IN A BASIN?

GSAs have three options for developing and implementing GSPs in a basin. In accordance with Water Code §10727(b), a GSP may be any of the following:

- A single GSP covering the entire basin developed and implemented by one GSA.
- A single GSP covering the entire basin developed and implemented by multiple GSAs.
- Multiple GSPs implemented by multiple GSAs and coordinated pursuant to a single coordination agreement that covers the entire basin.

In each of the scenarios presented above, one or more GSP initial notifications are required and a plan manager(s) must be identified in order to submit the GSP (or GSPs) to the Department for review. However, identification of a plan manager as part of the GSP initial notification process is not mandatory, only requested by the Department for the purposes of coordinating with GSAs during GSP development.

2. WHAT IS A GSP INITIAL NOTIFICATION?

Pursuant to Water Code §10727.8(a), prior to initiating the development of a GSP, the GSA shall make available to the public and the Department a written statement describing the manner in which interested parties may participate in the development and implementation of the GSP. In the GSP Regulations a GSP initial notification is required per §353.6(a), which is stated below:

Each Agency (GSA) shall notify the Department, in writing, prior to initiating development of a Plan (GSP). The notification shall provide general information about the GSA's process for developing the GSP, including the manner in which interested parties may contact the GSA and participate in the development and implementation of the GSP. The GSA shall make the information publicly available by posting relevant information on the GSA's website.

The GSP initial notification can assist GSAs with fulfilling the requirement to consider the interests of the beneficial uses and users of groundwater in a basin (see Water Code §10723.2). If a GSA plans to establish an advisory committee consisting of interested parties for the purpose of developing a GSP, information regarding the advisory committee can be included in the GSP initial notification.

The following describes the GSP initial notification recommendations, depending on the decision to prepare a single GSP or multiple GSPs in a basin. In each scenario, the GSP initial notification must identify a website that makes GSP information publicly available.

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- *A single GSP covering the entire basin developed and implemented by one GSA.*
 - If there is a single GSA in the basin intending to develop a single GSP, the GSA must prepare a single GSP initial notification, which may be submitted by the basin's plan manager or an authorized representative of the GSA.
 - The plan manager can be the existing GSA point of contact or a new individual appointed through an agreement; however, identification of a plan manager is not a requirement of the GSP initial notification process.
- *A single GSP covering the entire basin developed and implemented by multiple GSAs.*
 - If there are multiple GSAs in a basin intending to develop a single GSP, then the GSAs must prepare a single GSP initial notification submitted on behalf of all the GSAs.
 - If the GSAs have identified a plan manager in an agreement, the plan manager may submit the GSP initial notification.
 - If multiple GSAs in a basin have identified a representative to submit a GSP initial notification on their behalf who is not the agreed upon plan manager, the representative should attach evidence of that designation.
- *Multiple GSPs implemented by multiple GSAs and coordinated pursuant to a single coordination agreement that covers the entire basin.*
 - Scenario 1 – A coordination agreement has been adopted by all GSAs in the basin.
 - Each GSP group must submit a GSP initial notification and each group may have its own plan manager, but a single point of contact for the basin is required. Identification of a basin-wide point of contact is a component of a coordination agreement.
 - The coordination agreement must be uploaded to the SGMA Portal.
 - Scenario 2 – A coordination agreement has not yet been adopted by all GSAs in the basin.
 - If multiple GSAs in a basin intend to develop multiple GSPs, then each GSP group must submit a GSP initial notification and each GSP group may identify a plan manager for their area.
 - If multiple GSAs in a basin have identified a representative to submit a GSP initial notification on their behalf who is not the agreed upon plan manager, the representative should attach evidence of that designation.
 - If a coordination agreement is not yet finalized when the GSP initial notification is submitted and a point of contact for the basin is not yet identified, then the timeline for completing the coordination agreement should be provided.

3. WHAT IS A PLAN MANAGER?

A plan manager is an employee or authorized representative of a GSA (or GSAs), appointed through a coordination agreement or other agreement, who has been delegated management authority for submitting the GSP *and* serving as the point of contact between the GSA (or GSAs) and the Department. A plan manager is required for all GSP submittal efforts, whether there is a single GSP or multiple coordinated GSPs in a basin, but is not a mandatory component of the GSP initial notification process.

- *“Plan manager”* is defined in §351(z) and discussed in §353.4(b) and §354.6(c) of the GSP Regulations. A GSP must include the name and contact information of the plan manager who has been delegated authority for submitting the GSP *and* who has been identified as the point of contact in the basin. If there are multiple GSPs in a basin there may be multiple plan managers; however, the required coordination agreement must identify a single point of contact with the Department.
- A *“coordination agreement”* is mandatory if multiple GSAs in a basin intend to develop and implement multiple GSPs for that basin (see GSP Regulations §357.4).

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- The content of an “other agreement” is not defined in the GSP Regulations, but the “other agreement” must identify a plan manager who has been delegated authority for submitting the single GSP in a basin *and* serving as the basin’s point of contact with the Department.

4. IS THE PLAN MANAGER REQUIRED TO SUBMIT THE GSP INITIAL NOTIFICATION?

A plan manager *can* submit a GSP initial notification but is not required to do so. A GSP initial notification can be submitted by any individual who has been authorized to act on behalf of the GSA (or GSAs) in the basin; however, the individual should attach evidence of that authorization. Evidence could include, but not be limited to, any of the following: a letter (or letters) signed by all GSAs in the basin; a coordination agreement or other agreement; a legal document; or a resolution prepared by the GSA (or GSAs) in a basin. The individual submitting the GSP initial notification could be the basin point of contact, a plan manager, a consultant, an attorney, or any authorized representative of the GSA.

5. ARE THERE FORMAL ADOPTION REQUIREMENTS RELATED TO GSP INITIAL NOTIFICATIONS?

Neither the statutory requirements of SGMA nor the regulatory components of the GSP Regulations identify a formal adoption process related to GSP initial notifications. However, GSAs will need to enter into a coordination agreement (a legal agreement) or “other agreement” to appoint a plan manager and a point of contact for the basin. Also, GSAs can modify a GSP initial notification at any time if GSP scenarios in a basin change – for example, if GSAs in a basin decide to develop a single GSP instead of multiple GSPs, or vice versa.

6. WHAT IS A COORDINATION AGREEMENT?

A coordination agreement is defined in SGMA in Water Code §10721(d) and “*means a legal agreement adopted between two or more GSAs that provides the basis for coordinating multiple agencies or GSPs within a basin.*” Coordination agreements are required if multiple GSAs in a basin submit multiple GSPs to the Department for review. The minimum content of a coordination agreement is addressed in Article 8, §357.4, of the GSP Regulations. The coordination agreement shall, among other items addressed in §357.4: describe a single point of contact for the basin; establish procedures for resolving conflicts between GSAs; ensure that the multiple GSAs developing multiple GSPs use the same data and methodologies for the assumptions described in Water Code §10727.6; and describe a coordinated data management system. In accordance with Water Code §10727.6, the GSP elements, at minimum, that must be coordinated in a basin include the following:

- Groundwater elevation data
- Groundwater extraction data
- Surface water supply
- Total water use
- Change in groundwater storage
- Water budget
- Sustainable yield

7. WHAT ARE OTHER RELATED REQUIREMENTS OF A GSP INITIAL NOTIFICATION?

In accordance with Water Code §10727.8, GSAs are required to provide the GSP initial notification written statement to the legislative body of any city, county, or city and county, located within the geographic area to be covered by the GSP to coordinate land use and water management planning. In addition, if the geographic area to be covered by the GSP includes a public water system regulated by the Public Utilities Commission, the GSA shall provide the written statement to the commission.

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Related to the GSP initial notification is a “maintenance of interested persons list” which is described in Water Code §10723.4. A GSA is required to establish a list of persons interested in receiving notices – any person may request, in writing, to be placed on the list of interested persons. Also, GSAs are required to encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the GSP.

8. CAN PUBLIC COMMENTS BE SUBMITTED FOR GSP INITIAL NOTIFICATIONS?

The SGMA Portal’s GSP initial notification system provides an opportunity for receiving and posting public comments. In accordance with §353.8 of the GSP Regulations, “*Any person may provide comments to the Department regarding a proposed or adopted Plan (GSP)*” and “*Comments received by the Department shall be posted on the Department’s website.*” GSP initial notification public comments will be copied via email to select Department staff and all GSA points of contact and plan managers in a basin. The Department requests that public comments be directly related to a basin’s GSP effort and reserves the right to withdraw inappropriate comments from its website.

9. WHAT IF I WANT TO SUBMIT MODIFIED GSA BOUNDARIES?

Modifications to GSA boundaries must be submitted via the GSA Formation Notification System on the SGMA Portal located here: <http://sgma.water.ca.gov/portal/#gsa>.

10. WHAT IF I HAVE ALREADY SUBMITTED A GSP INITIAL NOTIFICATION?

GSP initial notifications that have already been submitted to the Department are posted on the Department’s Sustainable Groundwater Management website located here: http://water.ca.gov/groundwater/sgm/gsp_in.cfm. The posted GSP initial notifications will be transferred to the SGMA Portal by Department staff.

11. WHERE DO I SUBMIT MY GSP INITIAL NOTIFICATION?

GSP initial notifications must be submitted to the SGMA Portal at <http://sgma.water.ca.gov/portal/>. The SGMA Portal will use existing GSA boundaries and GSA points of contact and will allow for new points of contact and plan managers to be identified.

If GSAs have questions about GSP initial notifications, please contact either the Regional Coordinators in the Department’s four region offices or staff from the Sustainable Groundwater Management Program in Sacramento. Contact information is provided below and can also be found on the Department’s Sustainable Groundwater Management-Communication and Outreach website located here: <http://water.ca.gov/groundwater/sgm/outreach.cfm>.

- **Northern Region:** Bill Ehorn (acting) at Bill.Ehorn@water.ca.gov
- **North Central Region:** Paul Wells at Paul.Wells@water.ca.gov
- **South Central Region:** Amanda Peisch-Derby at Amanda.Peisch@water.ca.gov
- **Southern Region:** Brian Moniz at Brian.Moniz@water.ca.gov
- **Sacramento:** Monica Reis at Monica.Reis@water.ca.gov

RELATED CALIFORNIA WATER CODE REQUIREMENTS

California Water Code, Division 6, Part 2.74

§10721. Definitions

(d) "Coordination agreement" means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.

§10723.4. Maintenance of Interested Persons List

The groundwater sustainability agency shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. Any person may request, in writing, to be placed on the list of interested persons.

§10727.

(b) A groundwater sustainability plan may be any of the following:

- (1) A single plan covering the entire basin developed and implemented by one groundwater sustainability agency.*
- (2) A single plan covering the entire basin developed and implemented by multiple groundwater sustainability agencies.*
- (3) Subject to Section 10727.6, multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single coordination agreement that covers the entire basin.*

§10727.8.

(a) Prior to initiating the development of a groundwater sustainability plan, the groundwater sustainability agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan. The groundwater sustainability agency shall provide the written statement to the legislative body of any city, county, or city and county located within the geographic area to be covered by the plan. The groundwater sustainability agency may appoint and consult with an advisory committee consisting of interested parties for the purposes of developing and implementing a groundwater sustainability plan. The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan. If the geographic area to be covered by the plan includes a public water system regulated by the Public Utilities Commission, the groundwater sustainability agency shall provide the written statement to the commission.

(b) For purposes of this section, interested parties include entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

§10733.4. State Evaluation and Assessment

(a) Upon adoption of a groundwater sustainability plan, a groundwater sustainability agency shall submit the groundwater sustainability plan to the department for review pursuant to this chapter.

(b) If groundwater sustainability agencies develop multiple groundwater sustainability plans for a basin, the submission required by subdivision (a) shall not occur until the entire basin is covered by groundwater sustainability plans. When the entire basin is covered by groundwater sustainability plans, the groundwater sustainability agencies shall jointly submit to the department all of the following:

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- (1) The groundwater sustainability plans.*
 - (2) An explanation of how the groundwater sustainability plans implemented together satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire basin.*
 - (3) A copy of the coordination agreement between the groundwater sustainability agencies to ensure the coordinated implementation of the groundwater sustainability plans for the entire basin.*
- (c) Upon receipt of a groundwater sustainability plan, the department shall post the plan on the department's Internet Web site and provide 60 days for persons to submit comments to the department about the plan.*
- (d) The department shall evaluate the groundwater sustainability plan within two years of its submission by a groundwater sustainability agency and issue an assessment of the plan. The assessment may include recommended corrective actions to address any deficiencies identified by the department.*
- (e) Nothing in this section shall be construed to prohibit a groundwater sustainability agency from implementing a groundwater sustainability plan prior to evaluation and assessment of the groundwater sustainability plan by the department.*

RELATED GSP REGULATIONS

California Code of Regulations, Title 23, Division 2, Chapter 1.5, Subchapter 2.

§ 351. Definitions

- (a) "Agency" refers to a groundwater sustainability agency as defined in the Act.*
- (p) "Interested parties" refers to persons and entities on the list of interested persons established by the Agency pursuant to Water Code Section 10723.4.*
- (x) "Plan" refers to a groundwater sustainability plan as defined in the Act.*
- (z) "Plan manager" is an employee or authorized representative of an Agency, or Agencies, appointed through a coordination agreement or other agreement, who has been delegated management authority for submitting the Plan and serving as the point of contact between the Agency and the Department.*

§ 353.6. Initial Notification

- (a) Each Agency shall notify the Department, in writing, prior to initiating development of a Plan. The notification shall provide general information about the Agency's process for developing the Plan, including the manner in which interested parties may contact the Agency and participate in the development and implementation of the Plan. The Agency shall make the information publicly available by posting relevant information on the Agency's website.*
- (b) The Department shall post the initial notification required by this Section, including Agency contact information, on the Department's website within 20 days of receipt.*
- (c) Upon request, prior to adoption of a Plan, the Department shall provide assistance to an Agency regarding the elements of a Plan required by the Act and this Subchapter, however, the Agency is solely responsible for the development, adoption, and implementation of a Plan that satisfies the requirements of the Act and this Subchapter.*

§ 357.4. Coordination Agreements

- (a) Agencies intending to develop and implement multiple Plans pursuant to Water Code Section 10727(b)(3) shall enter into a coordination agreement to ensure that the Plans are developed and implemented utilizing the same data and methodologies, and that elements of the Plans necessary to achieve the sustainability goal for the basin are based upon consistent interpretations of the basin setting.*
- (b) Coordination agreements shall describe the following:*
- (1) A point of contact with the Department.*

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(2) The responsibilities of each Agency for meeting the terms of the agreement, the procedures for the timely exchange of information between Agencies, and procedures for resolving conflicts between Agencies.

(3) How the Agencies have used the same data and methodologies for assumptions described in Water Code Section 10727.6 to prepare coordinated Plans, including the following:

(A) Groundwater elevation data, supported by the quality, frequency, and spatial distribution of data in the monitoring network and the monitoring objectives as described in Subarticle 4 of Article 5.

(B) A coordinated water budget for the basin, as described in Section 354.18, including groundwater extraction data, surface water supply, total water use, and change in groundwater in storage.

(C) Sustainable yield for the basin, supported by a description of the undesirable results for the basin, and an explanation of how the minimum thresholds and measurable objectives defined by each Plan relate to those undesirable results, based on information described in the basin setting.

(c) The coordination agreement shall explain how the Plans implemented together, satisfy the requirements of the Act and are in substantial compliance with this Subchapter

(d) The coordination agreement shall describe a process for submitting all Plans, Plan amendments, supporting information, all monitoring data and other pertinent information, along with annual reports and periodic evaluations.

(e) The coordination agreement shall describe a coordinated data management system for the basin, as described in Section 352.6.

(f) Coordination agreements shall identify adjudicated areas within the basin, and any local agencies that have adopted an Alternative that has been accepted by the Department. If an Agency forms in a basin managed by an Alternative, the Agency shall evaluate the agreement with the Alternative prepared pursuant to Section 358.2 and determine whether it satisfies the requirements of this Section.

(g) The coordination agreement shall be submitted to the Department together with the Plans for the basin and, if approved, shall become part of the Plan for each participating Agency.

(h) The Department shall evaluate a coordination agreement for compliance with the procedural and technical requirements of this Section, to ensure that the agreement is binding on all parties, and that provisions of the agreement are sufficient to address any disputes between or among parties to the agreement.

(i) Coordination agreements shall be reviewed as part of the five-year assessment, revised as necessary, dated, and signed by all parties.

