

December 4, 2024

Josefina Lara Chavez, Chair
Small-Scale Producer Advisory Sub-Committee
California Department of Food and Agriculture
1220 N Street, Sacramento 95814

Sent via email to: josefina@regenerationla.org

RE: Agenda Item V - SSPAC Subcommittee Updates

Dear Chair Josefina Lara Chavez:

The UC Davis School of Law Small Farmer Water Justice Clinic submits this letter for your consideration following our attendance of the Small-Scale Producer Advisory Sub-Committee meetings held on October 29 and November 12.

The Small Farmer Water Justice Clinic is a new legal clinic at the University of California, Davis School of Law. Our mission is to provide legal assistance and advice to small farmers and pumpers navigating the changing landscape of California groundwater law. We are a small team committed to amplifying the voices of small farmers to ensure that their interests are represented in Groundwater Sustainability Agency (GSA) meetings, Groundwater Sustainability Plan (GSP) development, adjudications, other legal proceedings, and ongoing legislative debates.

Although we are a new organization, our existence is the result of the many challenges the Sustainable Groundwater Management Act (SGMA) and groundwater adjudications can create for small- and mid-sized producers across California. We have begun working with small farmers and organizations that support small farmers in order to achieve more equitable outcomes and be a source of legal information. **We support the sub-committee's inclusion of groundwater access as an "emergency" for small-scale producers and ranchers.**

According to the Department of Water Resources (DWR), groundwater is a critical resource for many farmers and is used to grow agricultural crops valued at more than \$50 billion each year. Some California communities rely entirely on groundwater for both irrigation and drinking water. During dry years, groundwater pumping increases and can provide up to 60% of California's water.

Before SGMA, groundwater pumping was largely determined in many basins by how deep a well can be installed. Once installed, a groundwater user could pump without restriction. As a result, our aquifers have been sorely depleted. Depletion of aquifers disproportionately impacts those who cannot afford to install deeper wells, such as small producers. Since SGMA, the implementation of GSPs have varied in effectiveness and consideration of small producers. Some GSPs and GSAs have carefully considered the impact of undesirable results on small producers, such as by implementing well-spacing requirements, while other GSPs and GSAs have completely left small producers out of the discussion. Leaving small producers out of the SGMA process has led to reduced water allocations, sudden changes in groundwater availability, and uncertainty that their livelihoods can continue.

Further, an increase in groundwater adjudications have led small- and mid- sized producers to get caught in court processes that are opaque and require substantial time, money, and energy. If a small farmer chooses not to participate, it can lead to significant reductions of their groundwater rights.

In both SGMA processes and groundwater adjudications, small- and mid- sized producers can be left behind at no fault of their own. Being left behind can lead to dramatic changes in groundwater accessibility and the ability to farm at all. **The loss of groundwater access presents an existential threat to the ability to farm for many small- and mid- sized producers.** By identifying groundwater accessibility as an emergent crisis facing small producers, SSPAC can be part of the solution to amplify the voices of small- and mid- sized producers across the state.

Thank you for your consideration of our comments and for your dedication to small- and mid- sized producers in California. I would be happy to share more information about the Clinic and our work with small farmers with you and your committee. I may be reached at cjmouawad-clinic@law.ucdavis.edu.

Sincerely,

Christopher Mouawad
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Small Farmer Water Justice Clinic
UC Davis School of Law

cc: Carmen Carrasco, Small Farm Business Liaison
Thea Rittenhouse, Farmer Equity Advisor