



County of Del Norte County  
Board of Supervisors  
981 "H" Street, Ste. 200  
Crescent City, California 95531

Phone  
(707) 464-7204

Fax  
(707) 464-1165

March 8, 2016

California Department of Water Resources  
Attn: Lauren Bisnett, Public Affairs Officer  
PO Box 942836  
Sacramento, CA 94236

**Re: Comments on Draft Groundwater Sustainability Plan Regulations**

Dear Department of Water Resources:

Del Norte County has reviewed the draft regulations released by the Department of Water Resources (the Department) on February 18<sup>th</sup> for Groundwater Sustainability Plans (GSP's) and GSP Alternatives as they relate to the provisions of the Sustainable Groundwater Management Act (SGMA). *We are greatly disappointed in the draft regulations as they relate to the GSP Alternative option and request that the final guidelines more closely adhere to the language of the statute.*

As you are aware the California Water Code (CWC) provides an alternative option for a local agency when the local agency believes that one of three SGMA-defined alternatives would satisfy the objectives of SGMA. The statute is extremely clear on what is required to be included with an application for a GSP Alternative. The code states (CWC §10733.6):

- (a) If a local agency believes that an alternative described in subdivision (b) satisfies the objectives of this part, the local agency may submit the alternative to the department for evaluation and assessment of whether the alternative satisfies the objectives of this part for the basin.
- (b) An alternative is any of the following:
  - (1) A plan developed pursuant to Part 2.75 (commencing with Section 10750) or other law authorizing groundwater management.
  - (2) Management pursuant to an adjudication action.
  - (3) An analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years. The submission of an alternative described by this paragraph shall include a report prepared by a registered professional engineer or geologist who is licensed by the state and submitted under that engineer's or geologist's seal.

Of great concern to Del Norte County is the Department's interpretation of Section 10733.6(b)(3) in the draft guidelines. The Department is suggesting significantly different language from the CWC in the draft guidelines for this section. Where the CWC states that an analysis by a California licensed engineer or geologist demonstrating that the basin has been operated within its sustainable yield over a period of at least 10 years, the draft guidelines state:

- (3) An alternative submitted pursuant to Water Code Section 10733.6(b)(3) shall demonstrate that no undesirable results are present in the basin or have occurred between January 1, 2005, and January 1, 2015. Each subsequent submission shall demonstrate that no undesirable results are present in the basin or have occurred for the preceding ten-year period. (GSP Draft Guidelines §358.4(c))

It is the opinion of this Board that the language proposed by the Department greatly departs from the legislative intent of SGMA as it relates to alternatives to GSP's and presents impediments to local agencies being eligible for the GSP alternative option.

As you are likely aware Del Norte County is located in the northwestern-most corner of the State on the far northern California coast. The County's climate is quite unique relative to the rest of the State and we receive, on average, almost 70-inches of rain annually. According to the most recent California Drought Monitor *Del Norte County is not only void of drought conditions but is also the only place in the State where it is not even noted as "abnormally dry"* (see exhibit A). According to the City of Crescent City's adopted Urban Water Management Plan the Smith River watershed produces 2.9-million acre-feet per year which makes it the highest water producing drainage in California on a runoff per square mile basis. Furthermore, according to DWR the Smith River Plain Basin (Basin 1-1) has stable groundwater levels with no "increasing or decreasing trends in groundwater levels" (DWR Bulletin 118, Smith River Plain Groundwater Basin). Despite all of these factors Del Norte County's Smith River Plain Basin has been prioritized as a Medium Priority basin and, as such, is subject to the requirements of SGMA including the requirement to form a GSA and develop a GSP (or alternative to a GSP).

As should be obvious from the above description of Del Norte County's unique climate and groundwater conditions the one size fits all approach does not translate well in our case. For all of the reasons stated above, if any local agency should be in a position to qualify for an alternative to a GSP it should be Del Norte County. While this Board applauds the Governor and the Legislature for addressing the very real need to manage the State's groundwater resources, especially in problematic groundwater basins, it is important to acknowledge the legislative intent behind the GSP Alternative option in SGMA. The County is very pleased to see an alternative option to the GSP and we hope that the Department does not use the guidelines to restrict jurisdictions with stable groundwater basins from the GSP Alternative option. We are greatly disappointed that the Department has proposed language so different from that found in the CWC in the draft guidelines. This Board urges you to review and modify the draft guidelines, as proposed, and offers the following suggested language:

§358.4(c) A local agency may submit of any of the options below as an alternative:

§358.4(c)(3) An alternative submitted pursuant to Water Code Section 10733.6(b)(3) shall include an analysis prepared by a registered professional engineer or geologist who is licensed by the state and submitted under that engineer's or geologist's seal. The analysis shall demonstrate that the basin has operated in a sustainable manner over the most recent 10-year period preceding the development of the analysis. The analysis shall utilize best available data including, but not limited to, available groundwater level monitoring data and climate data to demonstrate sustainable groundwater basin conditions.

We feel the language proposed above is more consistent with the legislative intent of the GSP Alternative section and follows more closely the language found in the Water Code. Thank you for the opportunity to comment.

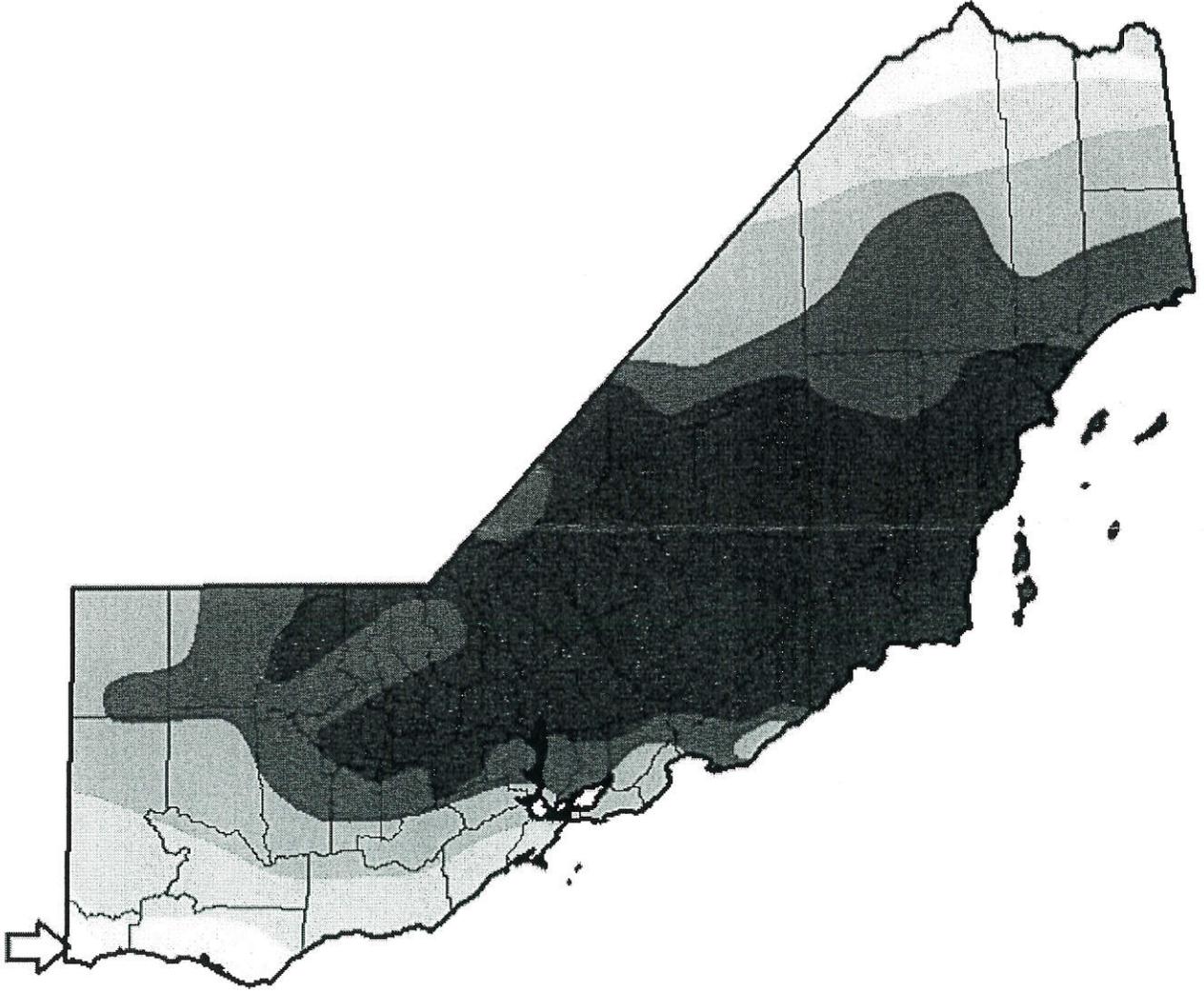
Regards,

  
Gerry Hemmingsen  
Chairman

CC: Senator Mike McGuire  
Assemblyman Jim Wood

# U.S. Drought Monitor California

Del Norte County



**February 16, 2016**  
(Released Thursday, Feb. 18, 2016)  
Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.29	99.71	94.69	81.82	61.40	38.48
Last Week 2/8/2016	0.22	99.78	94.77	81.82	61.40	38.48
3 Months Ago 11/17/2015	0.14	99.86	97.33	92.26	70.55	44.84
Start of Calendar Year 12/29/2015	0.00	100.00	97.33	87.55	69.07	44.84
Start of Water Year 9/29/2015	0.14	99.86	97.33	92.36	71.08	46.00
One Year Ago 2/17/2015	0.16	99.84	98.10	93.44	67.46	41.20

Intensity:

- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:  
Eric Luebbehusen  
U.S. Department of Agriculture



<http://droughtmonitor.unl.edu/>

