



Quartz Valley Indian Reservation

March 31, 2016

To: California Department of Public Water Resource's
ATTN: Lauren Bisnett, Public Affairs Office
PO Box 942836
Sacramento, Ca 94236
SGMPS@water.ca.gov

From: Crystal Robinson, Environmental Director
Quartz Valley Indian Reservation

RE: Draft GSP Regulations Public Comment

Ms. Bisnett,

We would first like to say thank you for your consideration of these comments, we hope you find them useful in the process of creating the final regulations. The Quartz Valley Reservation is located in the Scott River basin of Siskiyou County; Ca. Surface water depletion has been a recurring problem in the basin. Groundwater pumping has been utilized more and more in recent years by the agricultural community to offset the depleting flows which only exacerbates the surface flow problem. We appreciate the work your organization is doing and hope to remain closely involved, not only as a member of the SGMA Tribal Advisory Group but also as a participant in our own watershed and the development of the Scott River Groundwater Sustainability Plan. We also recognize the issues our watershed will face in developing a plan that will work with the existing, over-allocated, Scott River adjudication and hope that we can all work together to obtain a sustainable solution to this problem.

Summary of Comments:

There are many good things in the draft regulations and we applaud the work that has been completed to date. We were however, disappointed to see a lack of reference to existing water quality or flow objectives developed for the regions and/or sub basins. We have included those references where we felt applicable. There is often discontentment in the community on having multiple government programs, designed to improve the environment, which are not in alignment with each other in requirements, restoration achievements or numeric objectives. It creates a confusing environment of trying to discern which law/program to abide by. We highly recommend tying this program back to existing Total Maximum Daily Load's (TMDL's), flow requirements, and water quality objectives.

The term historical is used repeatedly throughout the document, at times it is defined, others not. Historical in the Tribe's perspective would be all relevant information to date. It is important to

understand as much as we can when developing this management plan, anything left out would only create a misunderstanding of conditions and not be an appropriate approach to developing a sustainable groundwater basin.

We also have concerns over landowner participation and the possible lack of information attainment to create a truly sustainable program in the Scott. Landowner participation in the Scott groundwater monitoring program has been fairly good so far however, with data becoming public information the participation rate may decline sharply. Also, we currently have continued refusal of participants in key locations of the watershed, for the GSP to be successful the monitoring network will require this spatial resolution.

Lastly, the contingency plan requirements seem open ended and we would like to see it operate more like an adaptive management approach. Implementing a contingency plan year after year is not sustainable groundwater management.

We have attempted to address these concerns within the draft regulations specific comments below, however, these may not be the only locations in the regulations where these issues could be addressed. It is our hope that the Department can utilize these suggestions and comments to create a better plan.

The following comments have been developed by *italicizing the draft regulations* and **bold typing our recommendations**.

SPECIFIC REGULATION COMMENTS

ARTICLE 2 Definitions

§351. Definitions

The term “groundwater sustainability” is not defined anywhere in the document and should be defined in the Definitions section of Article 2. This term could be interpreted quite differently depending on which beneficial use one favors. We offer this suggested definition from the National Groundwater Association (NGWA):

“Ground water sustainability is the development and use of ground water to meet both current and future beneficial purposes without causing unacceptable consequences.”¹

¹ <http://www.ngwa.org/documents/positionpapers/sustainwhitepaper.pdf>

ARTICLE 5 Plan Contents

SUBARTICLE 2 Basin Settings

§354.16 Basin Conditions

(f) Identification of interconnected surface water systems and groundwater-dependent ecosystems in the basin. Each Agency shall utilize data available from the Department, as specified in Section 353.2, or the best available information as well as other pertinent information such as:

- 1. A complete list of federal or state listed species dependent on surface water quantity and quality**
- 2. A map depicting critical habitat within the basin of those listed species**

§354.18 Water Budget

(a) The water budget shall quantify the following:

- (2) All water demands, including but not limited to evapotranspiration, groundwater extraction, groundwater discharge to surface water sources, subsurface groundwater outflow, and instream flow requirements for fish (if data exists).**

(d) The following information shall be provided by the Department and shall be used by Agencies in developing the water budget:

- (1) Historical water budget information for mean annual temperature, mean annual precipitation, water year type, mean annual snowpack and central valley land use.**

SUBARTICLE 3: Sustainable Management Criteria

§354.26 Undesirable Results

(c) The Agency may need to evaluate multiple minimum thresholds to determine whether an undesirable result is occurring in the basin. The determination that undesirable results are occurring may depend upon measurements from a network of instruments, rather than a single point or the measurement value of one instrument.

Comment: This assessment is completed in basins with TMDL's and findings of the Agency should not deviate from those already approved in State Water Resource Control Board (SWRCB) approved TMDL's. The GSP will be approved by the SWRCB and should be thus aligned in the Board's finding and recommendations already in place for the basin. It will only create confusion for the SWRCB to approve a Plan that does not meet the requirements stated in the TMDL.

§354.28 Minimum Thresholds

(a) Minimum thresholds shall be numeric values that define conditions that, if exceeded, could lead to undesirable results. The description of minimum thresholds shall include the following:

(5) State, federal, or local standards that relate to the critical parameter for which the minimum threshold has been established, for example:

TMDL's, Regional Water Board Basin Plans, Instream Flow Requirements

(6) How each minimum threshold will be quantitatively measured throughout the basin, consistent with the monitoring network requirements described in Subarticle 4, and a description of how the monitoring frequency and locations will enable analytic comparison to the minimum thresholds.

(b) Minimum thresholds for each critical parameter shall be defined based on the following:

(6) Depletions of interconnected surface water. The minimum threshold for depletions of interconnected surface water shall be the volume of surface water depletions caused by groundwater use that has significant and unreasonable adverse impacts on beneficial uses of the surface water... ..

Comment: Instream flow studies and/or modeling information available on groundwater levels and relative surface water quantity should be utilized if available.

SUBARTICLE 4: Monitoring Networks

§354.34 Monitoring Network

(b) The monitoring network shall be designed to ensure adequate coverage of critical parameters. If localized conditions warrant the formation of management areas, those areas shall be specifically monitored with a quantity and spacing of monitoring sites sufficient to evaluate conditions in the area.

Comment: Many monitoring networks are currently established through landowner access and participation in the study. An additional statement should be made here as to what action, if any, the SWRCB would take to ensure "adequate coverage of critical parameters" if it is not being met through voluntary means.

§354.40 Reporting Monitoring Data to the Department

All monitoring data, including location, shall be stored in the data management system developed pursuant to Section 352.8... ..

SUBARTICLE 5: Projects and Management Actions

§354.44 Projects and Management Actions

(b) Each Plan shall include contingency projects or actions as follows:

Comment: The contingency plan section should require the annual report to identify the issues which led to the contingency plan being implemented. It should also identify future management actions or monitoring modifications (location, frequency) that will be implemented to avoid the same issues. Repeatedly utilizing the contingency plan is not sustainable groundwater management, this will need to be clearer in this section.

If there are any questions or points of clarification needed regarding these comments please contact me at 530-468-5907 ext 318 or crystal.robinson@qvir-nsn.gov

Sincerely,

A handwritten signature in black ink that reads "Crystal Robinson". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Crystal Robinson
Environmental Director
Quartz Valley Indian Reservation