Mendocino County Farm Bureau

303-C Talmage Road • Ukiah, CA. 95482 • (707) 462-6664 • Fax (707) 462-6681 • Email: mendofb@pacific.net

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

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California Department of Water Resources
Attn: Lauren Bisnett, Public Affairs Office
P.O. Box 942836
Sacramento, California 94236

Via Email: SGMPS@water.ca.gov

RE: Draft GSP Emergency Regulations Public Comment

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB currently represents approximately 1200 members. MCFB would like to provide comments on the draft GSP Emergency Regulations.

Local Control of GSP Development and Implementation

It is important that DWR continues the intent of SGMA to allow for local qualified GSA entities to develop sustainability criteria for basins within their jurisdiction. The substantial compliance standard by which DWR will review GSPs will allow for flexibility at the local level which is appreciated. DWRs focus should remain on compliance with the statute and as long as a GSP is meeting these standards, then DWR should not get bogged down with determining if specific methodologies are better than others for achieving sustainability. Each basin is unique, so not all of the substantial compliance standards may be applicable or necessary.

Coordinating Agency

The draft regulations include the definition of a coordinating agency that was not included in SGMA. Where multiple qualifying agencies form GSAs and related agreements through a JPA or MOU format, that coordination process will provide DWR with the necessary contact information without requiring an entire new entity to be formed.

Interconnected Surface Water

351 (m) defines interconnected surface water as locations where surface water and the underlying aquifer are hydraulically connected. How does DWR define hydraulically connected? How will DWRs definition correlate with the interpretation of hydraulically connected from other agencies? From a jurisdictional standard, DWR needs to be prepared to define what will be considered to be hydraulically connected.

354.16(f) requires that a GSP identify interconnected surface water systems within the basin by using data available from the Department or the best available information. Not all groundwater diversions in a basin will be interconnected and the process for proving or disproving an individual or groups of groundwater diversions is complex. DWR needs to allow GSPs flexibility in what is considered to be best available information in the determination of interconnected surface waters.

354.28 (b)(6) states that the minimal 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 surface water. If a GSP is to include a minimum threshold, that threshold should be allowed to be set at an achievable level based on the likelihood of impact and not forced to include non-jurisdictional or de minimis diversions.

A number of surface water diversions and management regulations are outside of the jurisdiction of SGMA. In certain basins, interconnected surface water flows are impacted by manmade systems (managed by numerous local, state and federal agencies) such as water storage/flood control reservoirs. In addition, surface water diversions (appropriative and riparian) are under the jurisdiction of the State Water Resources Control Board. DWR needs to clarify how the GSP mandates are intended to achieve sustainability standards solely based on the jurisdiction provided through SGMA.

354.34 (h)(6)(2) As mentioned above, certain basins include large water storage projects that have influenced the hydrology of the surface waters in the basin. With large numbers of ephemeral or intermittent flowing streams influenced by these projects, there will be multiple times in the year where these streams will lack connectivity to the main river. The streams will have surface flow upstream, but do the channelization of the river, the surface water will go subterranean under the gravel beds to follow the surface water levels in the main river channel. DWR should clarify the conditions for interconnected surface waters and the related monitoring network requirements.

Land Use Planning

354.8 SGMA emphasizes the need for GSAs to coordinate with local land use agencies. The development of GSPs should inform, not dictate, local land use decisions. The process needs to be collaborative in order to make informed land use and water use decisions in the future.

Incorporation of Data

354.8 (c) allows a GSP to incorporate data from existing programs such as CASGEM or Irrigated Lands Regulatory programs. The ability to include data from existing programs is appreciated as this will be more efficient and avoid duplication of effort.

Notice and Communication

354.10 The GSP notification process should include a requirement to notice all diverters that may be subject to fees or water use restrictions within the basin covered by the GSP. Individuals subject to management under a GSP should be notified.

GSP Evaluation Timeline

355.2 (e) states that the Department shall evaluate a Plan within two years of its submittal and issue a written assessment of the plan. 355.2 (f)(2) states that the Department may allow up to 180 days from the date the Department recommends corrective actions to address deficiencies in a plan.

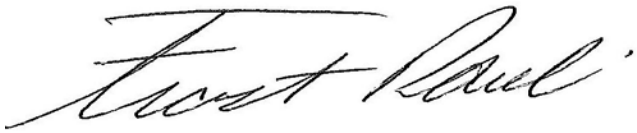
DWR is providing themselves with up to two years to review a GSP and provide feedback on the plan to the GSA. This means, that without feedback from DWR, a GSP could be in place for up to two years and then if corrective actions are determined to be required, that the GSA will only have up to 6 months to address deficiencies. DWR should make an effort to have a shorter turn around for providing feedback on a GSP. It will take time for those impacted by a GSP to understand the compliance requirements, submit information, pay fees, etc. If a GSP is in operation for two years and then is found to have inadequacies, then implementation will become more challenging and more costly. DWR should also amend the draft regulation language to provide a minimum of 6 months for a GSA to address any inadequacies that DWR highlights in the assessment of a GSP.

Adjacent Basins

355.10 (b) SGMA requires DWR to evaluate whether a GSP adversely affects an adjacent basin. However, SGMA does not require that DWR resolve conflicts or find a GSP to be inadequate if it affects a neighboring basin. The draft regulation should be amended so that resolutions of adverse effects between basins be the responsibility of the GSPs.

MCFB appreciates the opportunity to submit comments on the draft GSP Emergency Regulations and encourages DWR to address the concerns listed above.

Sincerely,



Frost Pauli
president

CC:

Mendocino County Water Agency
Assemblyman Jim Wood
Senator Mike McGuire