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April 1, 2016

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

Re: Comments on the Draft Groundwater Sustainability Plan (GSP) Emergency Regulations

Dear Ms. Bisnett:

Let me begin with a quote from the introductory notes to these regulations.

Local control and management is a fundamental principle of SGMA (Sustainable Groundwater Management Act); the draft regulations preserve the role of local agencies in managing their basins and achieving sustainability.

We could not agree more with this laudable goal, and fully understand its importance in our local context. Unfortunately, SGMA, and the draft GSP Emergency Regulations, fall short of achieving this fundamental goal in the Coachella Valley. While we understand that these first round draft regulations are not perfect, our comments are provided to shed light on their ramifications to and within our District.

Mission Springs Water District (MSWD) is a County Water District formed in 1953 pursuant to Water Code Sections 30000 *et seq.*, to provide retail local water service within its jurisdictional boundaries. MSWD currently has 13,000 water accounts and nearly 9,000 sewer service connections providing water and wastewater service to several communities, nearly all of which are considered disadvantaged or severely disadvantaged. The Mission Creek Sub Basin (MCSB) provides the primary source of groundwater to MSWD, and our District represents nearly all of the customers that depend on water from that groundwater basin.

As we have indicated in previous comments to the Department of Water Resources (DWR), SGMA has literally handed exclusive control of the MCSB on which we and customers depend, over to two other water agencies. One of those agencies was created by special act for the sole purpose of importing State Water for basin storage and replenishment, and doesn't have a single well or customer in the MCSB. The other district, also a County Water District, pumps water from the MCSB and exports it approximately 20 miles for retail service to its wealthier customers in communities on the other side of the Coachella Valley. Only a handful of water customers within a very small portion of the MCSB are served by the other County Water District. To make matters worse, the special act agency now has a competing retail service area and, pursuant to its exclusive designation under SGMA has the ability to decide where MSWD locates its wells and how much water goes to MSWD and to its exclusive water



service area. We believe this is a conflict of interest. Nonetheless, we are hopeful that our comments will be heard and considered.

How did this happen? Clearly MSWD's concerns were not considered in the drafting of SGMA or the subsequent draft GSP Emergency Regulations. We have not spent and cannot afford to spend millions of dollars for influential attorneys and lobbyists to promote our interests with DWR. Consequently, SGMA has literally stripped our community of any local control of our groundwater on which this District relies on for its local water supply. This result is clearly contrary to the intent of SGMA.

Over the years MSWD has had a constant struggle with these two other agencies and, only through litigation forced them to cooperatively manage water in the Coachella Valley. Most telling of this disregard for MSWD's interest is that they waited nearly 40 years to construct a recharge facility in the MCSB by which our District could benefit from imported State Water, and they refused to include the MCSB in their water management efforts until our District's litigation forced a settlement agreement requiring the three agencies to cooperate in jointly managing the MCSB and drafting such a plan. This plan would be tantamount to a GSP and would be ideal as an alternative GSP, with minor modifications. Our District spent nearly six years preparing the Water Management Plan for the MCSB, at a cost of millions of dollars. Following their designation as exclusive GSAs over MSWD's groundwater basins, the special act agency has asserted its dominance over MSWD in matters affecting the groundwater upon which we rely to serve our customers, and the District's ability to fulfill its statutory authority and duties in providing public water service within our jurisdictional boundaries.

In addition to fighting passionately to properly manage the water in our basin, MSWD was the inaugurator of the Coachella Valley's Integrated Ground Water Management Plan (IRWMP). We initiated monthly meetings and represented the interests of 20-30 disadvantaged communities and others for nearly a year and a half before either of these two agencies reluctantly joined.

The following summarizes our current comments and questions we have with respect to the Draft GSP Emergency Regulations.

COMMENTS SPECIFIC TO DRAFT GSP EMERGENCY REGULATIONS

353.8 Public Comment

This provision lacks specificity to ensure that proper notification is received by those affected by the plan. It defaults to section 353.6 regarding the GSA's decision to develop a GSP; and appears to overlook the requirement of a public hearing before the adoption of the GSP.

353.10 Withdrawal or Amendment of Plan

Again the designated GSA has almost "carte blanche" authority over groundwater use by competing public agency retail water service providers. This, along with the weak public involvement requirements, allows exclusive GSAs unchecked control over groundwater relied upon by other public agencies and the communities they represent.

354.10 Notice and Communication

This provision states, without standards or review that the GSAs are required to develop a communication plan, and does not require a specified standard for review or allow for the involvement of other affected agencies. This is a major concern, given the history of noncooperation and communication of the two other designated GSAs affecting MSWD's exercise of its statutory groundwater management and exclusive water service jurisdiction.

354.14 Hydrogeologic Conceptual Model (a) (4) (D)

The meaning of "general water quality . . . based on information derived from existing technical studies or regulatory programs" is unclear. For example, where much of the existing water quality data is nonexistent or incorrect, does this require new studies and reports, and if so, should the gathering and use of this technical information be subject to public review and comment?

354.20 Management Areas

Under this provision, each agency may (but is not required to) define one or more management areas . . . within a basin. Defining "management areas" for such things as water reuse is probably one of the more important goals of a plan like this and you only use the word "may," and its consideration should not go unnoticed. The vagueness and unenforceability of this provision is not acceptable.

354.28 Minimum Thresholds

First, under this provision, each GSA unilaterally establishes the "critical parameters" of the minimum thresholds, which implies that DWR does not exercise any oversight over this process. Second, there is no subcategory (c). Finally, the statement "an agency, after consultation with the Department, may establish a minimum threshold . . .," is confusing. It is unclear what is meant by "after consultation," and the word "may", in this context, is weak.

355.2 Department Review of Initial Adopted Plan

This provision is so vague and loose that it is unclear what is intended to or will come of this process. The disadvantaged communities and their local agencies get 60 days to review the GSP, but DWR gets two years to respond!

356.2 -12 (all)

It is unclear here just what notice is provided to disadvantaged communities. This section has a number of reports that could go unseen for years by those affected and at least this section should require that the GSA provide clear and complete information to those requesting it. The GSP should require that a mailing list be established and that ALL information be provided to those who are affected by it.

356.12 Amendments and Modifications to Plan

Again, under these provisions it appears that the GSP could be amended with no public notification and input. It is critical that a mailing list of all interested and affected parties be created, and that any and all communications between the DWR and GSP must be included.

357.2 Inter-Basin Agreements

It appears that the draft GSP Emergency Regulations have overlooked the impacts created on the disadvantaged and severely disadvantaged communities that comprise nearly all of the people residing in our District and who are dependent on the MCSB for their public water service. Again, the opportunities for oversight and review by the affected public in this process are given short shrift through weak drafting and control mechanisms.

CONCLUSION

In general the draft GSP Emergency Regulations do not provide adequate notice, public review and protest opportunities. Furthermore it is painfully clear that this process has left disadvantaged communities without effective opportunities for involvement.

I have included a copy of a letter previously sent to DWR specifically addressing issues that we face in the Coachella Valley. We realize that DWR believes in this process, but it simply doesn't work for our District or the community we represent. Again, we are requesting that we are treated fairly, with the same opportunities as other more prosperous communities.

Respectfully yours,

Danny Friend for:

Arden Wallum

General Manager, Mission Springs Water District

cc: MSWD Board of Directors

Attachment: February 4, 2016 letter to Mark Cowin, Director, DWR