



March 30, 2016

File: 0644.105.3

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

Dear Ms. Bisnett:

Subject: Draft GSP Emergency Regulations Public Comment

The Coachella Valley, located in the Colorado Desert Sub-region of the Sonoran Desert, in Riverside County, California, contains two medium priority sub-basins known as the Indio Sub-basin and the Mission Creek Sub-basin. Four local water agencies, Coachella Water Authority, Coachella Valley Water District, Desert Water Agency, and Indio Water Authority (Coachella Valley Agencies) have filed notices of election to become Groundwater Sustainability Agencies over portions of these two sub-basins and are planning to collaborate on submission of an Alternative Plan based on the Coachella Valley Water Management Plan and the Mission Creek Garnet Hill Water Management Plan. Both plans are compliant with the Groundwater Management Planning Act which was enacted by Assembly Bill (AB) 3030 and amended by Senate Bill (SB) 1938.

The Coachella Valley Agencies would like to thank the Department of Water Resources (DWR) for preparation and release of the Draft Groundwater Sustainability Plan (GSP) Emergency Regulations and for the opportunity to provide input on these materials. The Coachella Valley Agencies have reviewed the draft regulations and are concerned that they may be overly prescriptive, expansive, and costly for local Groundwater Sustainability Agencies (GSAs). Our key concerns are highlighted below.



Comment 1. Defer to Expertise of GSAs

The draft regulations should be uniformly revised to generally defer to the judgment and expertise of local GSAs. DWR should only apply more stringent and prescriptive requirements when a GSA has not demonstrated good faith efforts. The draft regulations should clarify that DWR’s evaluation and approval will be based on meeting locally-driven sustainability criteria.

Comment 2. Eliminate Contingency Plan Requirement

The draft regulations require GSAs to prepare “contingency projects or actions” to implement if the groundwater conditions have not responded adequately, and “emergency contingency projects or actions” to implement if the groundwater conditions in the basin pass a minimum threshold or if undesirable results are imminent. Not only does the contingency plan requirement presume failure, in practice, this requirement causes GSAs to evaluate, negotiate, and fund three sets of projects or actions. In working to achieve sustainability, GSA must be given latitude to modify and adapt projects based on local conditions and needs. Given annual reporting and regular plan assessments, the contingency plan requirement is unnecessary.

Comment 3. Eliminate Coordinating Agency

The draft regulations create a “coordinating agency” to be a sole point of contact for two or more GSAs. This role was not envisioned in the statute and essentially creates one lead GSA per basin, which specifically conflicts with the Sustainable Groundwater Management Act (SGMA). Each GSA must be able to independently manage and communicate with DWR as was the intent of the statute. Additionally, the draft regulations seem to prefer one GSP per basin, which is also a direct conflict with SGMA.

Comment 4. Support for Substantial Compliance

CVWD supports the concept of “substantial compliance” proposed by DWR that would evaluate a GSP to determine if the GSP has the overall effect of achieving the sustainability goal for the basin and complies with SGMA. However, the concept must be clarified. Not all substantial compliance requirements may be applicable or necessary in each unique high- and medium- priority basin. As written in the draft regulations, substantial compliance requirements are onerous and potentially unnecessary. For example, minimum threshold and measurable objective criteria are a useful framework but should not be uniformly applied.



Comment 5. BMPs Are Not Regulatory Standards

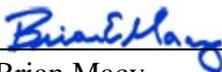
The draft regulations require best management practices (BMPs) developed by DWR or equivalents developed locally to be provided in the GSPs for management actions, data collection and analysis, and any other necessary elements in the GSP. Those BMPs will be used by DWR to evaluate the standards of the GSP. The statute was very clear that BMPs are not intended to be imposed as regulatory standards, but rather as alternative methods for achieving sustainability to be selected and uses at the discretion of the GSAs.

Comment 6. Eliminate Overly Prescriptive Elements

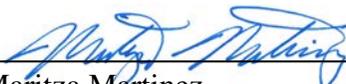
The draft regulations include very specific requirements that prescribe the density and frequency of monitoring, use of only the water budget data provided by DWR, the use of “all” data when it should use representative data, the use of only the NAVD88 datum, and the evaluation of impacts on future land uses on groundwater quality. Each GSA should be able to use the data and technologies that are available and useful locally. These prescriptive approaches go far beyond the statute and will divert attention and dollars away from implementation actions.

In conclusion, the Coachella Valley Agencies thank DWR for the release of draft Emergency Regulations. Our region appreciates the solicitation of our input and hopes the suggestions in this letter are valuable to DWR. The Coachella Valley Agencies look forward to the release of the final Regulations. Our region is committed to groundwater sustainability through a collaborative and open stakeholder process.

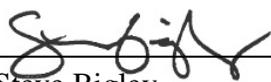
Sincerely,



Brian Macy,
Indio Water Authority



Maritza Martinez.
Coachella Water Authority



Steve Bigley,
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Submitted electronically to: SGMPS@water.ca.gov

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