

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



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March 31, 2016

California Department of Water Resources  
Attn: Lauren Bisnett, Draft GSP Emergency Regulations Public Comment  
P.O. Box 942836  
Sacramento, CA 94236

Subject: Comments on Draft Emergency Regulations for Groundwater

Dear Ms. Bisnett:

On behalf of the Fox Canyon Groundwater Management Agency (FCGMA) I would like to thank you for the opportunity to review and comment on the Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives.

As an agency involved in planning, controlling, preserving, and regulating the extraction of groundwater within the basin boundaries for more than thirty years, we take our responsibilities very seriously. The FCGMA understands the need for long-term sustainability and local control as stated in the draft regulations. Therefore, know that we have reviewed these draft regulations very carefully and hope you will consider our comments.

- **Page 4, Article 2. 351 Definitions** We recommend providing a definition for “monitoring site.”
- **Page 7 - Article 3. 352.4 (a) Best Management Practices** In this section, DWR states that each GSP shall include “*Best Management Practices*” for management actions, data collection and analysis, and other necessary elements of the Plan.
- **Page 3 - Article 2. 351 Definitions (h)** states “*Best management practice*” refers to a practice, or combination of practices, that are designed to achieve sustainable groundwater management and have been determined to be technologically and economically effective, practicable, and based on best available science.” The regulations indicate that an Agency may choose to use the BMPs developed by DWR or may create its own. If we choose to develop our own may we simply state what our BMPs are, or are we required to justify the use of our BMPs? Also, please clarify how the determination is made as to what is considered “best available science” and what is or is not “technologically and economically effective?”

- **Page 8 – Article 3. 352.6. (a)(2) Data and Reporting Standards** Modify the section to state “Groundwater, surface water, and land surface elevations shall be measured and reported in feet relative to NAVD88, or as modified, to an accuracy of at least 0.1 feet” We recommend including the phrase “or the best available information and the method of measurement described.”
- **Page 8 - Article 3. 352.6 (b) (1) (D) Data and Reporting Standards** This section requires a description of standards used to install monitoring sites (wells) and identification of any sites that do not conform to best management practices. Many of the wells in Ventura County were drilled over the course of many years, and we believe that it is important to continue using these wells to track and evaluate trends. (Currently only 47 of the 91 wells used for monitoring within FCGMA comply with DWR standard 74-90). Therefore, we recommend changing this language to state that all new wells conform to DWR Bulletin 74-90 standards, and older wells used for monitoring must comply with the standards appropriate for the time of construction (such as DWR Bulletin 74-81, December 1981).
- **Page 10 – Article 3. 352.6 (e) Data and Reporting Standards** This section contains a typo and the word “be” needs to be removed after the word “shall.” “Groundwater and surface water models developed or utilized as part of or in support of a Plan shall be consist of ...”
- **Page 10 - Article 3. 352.8 Data Management and Record Keeping States** “Each Agency shall develop and implement a coordinated data management system that is capable of storing, maintaining, and reporting all relevant information related to the development or implementation of the Plan.” This requirement is infeasible as some GSAs such as the FCGMA have the power to control extractions of groundwater from basins but have not had the authority to build infrastructure associated with groundwater management. FCGMA can certainly compile groundwater extraction data, water quality data, water level data, and financial data. However, to establish a database that would be able to store and maintain ALL records associated with this GSP is unrealistic. Please clarify the intent of this provision and state whether or not expenditures and environmental documents associated with capital improvement projects are included in this data management requirement.
- **Pages 16 & 17 - Sub Article 1. Administrative Information 354.8 Description of Plan Area, items (d) through (h)** While we recognize the value in determining the land use plans governing the basin areas as well as the potential for growth and development, we feel very strongly that the requirements proposed within these draft regulations are overly burdensome and would require a significant amount of resources that could be better spent elsewhere. We take particular exception with the requirement to try to summarize land use plans outside the basin boundaries. Please limit the description and analyses of impacts for the land use plans to within basin or GSA boundaries.
- **Page 17 - Sub Article 1. Administrative Information 354.10 Notice and Communication** This section requires a summary of communication with other agencies and interested parties. We understand and value the importance of stakeholder involvement and will endeavor to effectively reach out to the community through a variety of means. However, paragraph (a) requires we must maintain a list of interested persons. Many people do not want to reveal their names and addresses, let alone state why they are interested. Signing up for a mailing list should be a voluntary procedure, not a requirement to submit information. The same comments apply to paragraph (b) which requires the agency report personal or user “interests” and the “nature of our consultations with those interests.” Such information may be helpful at the local level, but should not be mandated or required by DWR. We recommend this language be deleted from the regulations.

- **Page 20 Sub Article 2. Basin Setting 354.16 Basin Conditions** This section indicates that a GSP shall include “historical basin conditions that existed as of January 1, 2015 and a comparison with present conditions.” However, this same section states that we are supposed to characterize current and historical groundwater conditions within the basin and shall rely on “best available data” to characterize the basin. This section is unclear as to whether or not 2015 will be considered to be the baseline year. Please clarify.
- **Page 22 – Sub Article 2. Basin Setting, Section 354.18 Water Budget (3) (A)** This section requires a projection of hydrology utilizing 50 years of historical precipitation, evaporation, and streamflow records. Although Ventura County may have fairly decent data for most of these needs, many portions of California do not, so it is unrealistic to mandate that 50 years of data “*shall*” be utilized by every agency to foretell or project hydrologic uncertainty associated with climate change and sea level rise. We recommend that the timeframe to forecast corresponds to the goal of the sustainability plan.
- **Page 33 – Sub Article 4. Monitoring Networks 354.34. Monitoring Network (g).** This section has a readability issue. Is there a word missing here as this sentence makes little sense, “... *for all monitoring sites or other data collection facilities to ensure that the monitoring network utilizes \_\_\_\_\_ on the comparable data and methodologies.*” Please revise.
- **Page 33 – Sub Article 4. Monitoring Networks 354.34. Monitoring Network (h) (1) (A).** This section has a grammatical error. Need to add an “s” to the word “*aquifer*,” or need to delete “*of the*” in the following sequence, “... *potentiometric surface for each of the principal aquifer.*”
- **Page 36 – Sub Article 4. Reporting Monitoring Data to the Department 354.40 (a)** This section appears to have a typo at the end of the sentence as it states “...report and, or...” Please clarify the intent.
- **Page 37 – Sub Article 5. Projects and Management Actions 354.38 (b) (2)** This section states that a plan shall describe “emergency projects or actions” that shall be designed to achieve immediate results such that the emergency has been abated by or before the next annual report. It’s important to note that only actions will be able to be developed within this timeframe. Projects take time to plan, design, prepare CEQA documents, finance, and construct. Most if not all projects that require any level of construction take many years to complete. Therefore, we recommend that you change the language in this section to require agencies to develop a list of actions and projects that could lead to sustainability. This list shall be a combination of both actions that could be implemented immediately and projects that could be developed over the twenty year timeline of implementation.
- **Page 42 - Article 6. Evaluation and Assessment, Section 355.4 Criteria for Plan Evaluation (b) (11)** This section indicates that one of the ways DWR will evaluate plans to determine if they are likely to achieve sustainability goals for a basin is, “*Whether the Plan would impair the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.*” What if a GW basin never had water quality at levels that meet drinking water standards due to high natural mineralization or some other pre-existing pollutant or geological-based contaminant source? Local agencies and/or GSP’s should not be required or expected to clean GW to drinkable quality if a basin has always naturally been non-potable.

Lauren Bisnett  
March 31, 2016  
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Thank you again for the opportunity to comment on these very important regulations. If you have any questions regarding any of the comments I have provided, please contact me at (805) 654-2040 or e-mail at [tully.clifford@ventura.org](mailto:tully.clifford@ventura.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tully Clifford", with a stylized flourish at the end.

Tully Clifford  
Assistant Executive Officer, FCGMA