



Shasta County

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FPA040806

March 30, 2016

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

Subject: Draft GSP Emergency Regulations Public Comment

Dear Ms. Bisnett;

Shasta County staff has reviewed the draft regulations and provides the following comments:

1. General. Underlying the proposed regulations is the apparent assumption that all listed basins require the same level of effort. Even the alternative plans require full development under (proposed) Article 6. This level of effort is not necessary in basins that have demonstrated resiliency in groundwater levels and the other areas of undesirable results.
2. Page 2, Section 350(c). Add, "Notwithstanding the provisions of this subchapter, the Department may waive any specific requirement under this subchapter of its own volition or at the request of an Agency."
3. Page 3, Section 351. There should be a definition of subsidence that recognizes the difference between seasonal elastic subsidence and permanent (inelastic) subsidence that interferes with surface land uses.
4. Page 3 Section 351(j). The "critical parameter" definition is pointless. The Department of Water Resources seems to be looking for a way to consider the conditions that might lead to an undesirable result. But the entire point of the Sustainable Groundwater Management Act is to prevent the six undesirable results. Chronic or critical lowering of groundwater levels leading to one or more of the undesirable results are sufficient indicators that an undesirable result is imminent. Even with the word "critical" in the phrase, reliance on "critical

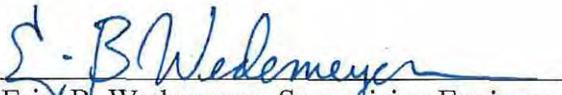
parameters” creates an unnecessarily level of complexity that may obscure the potential of an undesirable result. Writing “threshold for (undesirable result)” would be adequate, but deleting this definition would be better.

5. Pages 8-10, Section 352.6. These sections require an unnecessary level of precision. Subsections (2) and (3) would require a survey or development of a GPS grid of every point measured. The surface coordinates required by subsection (4) are not currently available or necessary for many purposes, particularly in basins that are not stressed. CASGEM makes an exception in submitting location information for municipal wells. The section is also too narrow in that it does not allow flexibility in evaluation methods such as satellite imagery.
6. Page 8, Section 352.6(b)(3)(G). We acknowledge the existence of multiple permeable layers in most basins. However, well completion reports may not provide sufficient information to determine which aquifer level an existing well is in. Further, such information may not be important in basins where no undesirable results are likely. While this information is nice to have, if a basin is not in danger of an undesirable result, it is not necessary.
7. Page 10, Section 352.8. We acknowledge the importance of a coordinated data management system, but it is not required by the legislation. It is not clear if the proposed regulation is intended as a requirement to develop a written data management system. For some small, sustainable basins, such plans may be very basic.
8. Page 11, Section 353.4(b). Recommend softening of the wording of the certification. For instance, well completion reports from the distant past may be used, but they are often incomplete. The language needs to allow for uncertainty in available data so that the GSAs can actually find a party willing to sign the certification.
9. Page 15, Section 354.6(e). Recommend deletion of this section. Budgets are not necessarily parts of an adopted plan. Any budget will be difficult to maintain given the adaptive nature of groundwater management and the five-year period between updates.
10. Page 16, Section 354.8(b). Remove this requirement; the maps will suffice.
11. Page 17, Section 354.8(g)(5). In the broadest sense of the term “linked,” every basin in California is connected by the hydrologic cycle. This requirement could be interpreted to mean that every upgradient land use must be considered, however small or distant, which is likely impossible. Recommend deleting this requirement.

12. Page 26, Section 354.26. Undesirable results are defined in the legislation section 10721 (x). Page 26 redefines them based on critical parameters. This is confusing, particularly in light of the poor definition of critical parameters.
13. Page 27, Section 354.26(d). Reword as follows: "An Agency that is able to demonstrate that one or more undesirable results are not applicable to a basin shall not be required to conduct further analysis for those undesirable results."
14. Page 29, Section 354.28(c). There is no (c).
15. Page, Section 354.8(a)(5). Our experience with CASGEM indicates that well completion reports are not sufficiently accurate to generate reliable maps.
16. Page 37, Section 354.54(a)2, 6, and 7. While thinking projects entirely through is good practice, the only reason for reporting these items to the State is the expectation of State management of the basin. But if the State assumes management, the plan is insufficient and these lists may not be relied upon. Delete these subsections.
17. Page 39, Section 355.2(d). Include a statement indicating that despite the additional step of consulting with the Board, the Department shall complete evaluation of the plan within two years of submittal.
18. Page 39, Section 355.2(e). Include a statement indicating that, should the evaluation not be completed within two years, the plan will be considered adequate until its 5 year evaluation.
19. Page 40, Section 355.2(f)(2). Addressing all deficiencies within 180 days may not be practical or necessary. Some, like minor modifications to a Surface water/Groundwater Model in a basin that is sustainable, could be addressed prior to the 5 year evaluation.

We look forward to reasonable, usable final regulations that will allow Groundwater Sustainability Agencies to develop effective Plans for all basins.

Sincerely,
Patrick J. Minturn, Director

By: 
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