

**Groundwater Sustainability Plan  
Draft Regulations**

Via e-mail to: [sgmps@water.ca.gov](mailto:sgmps@water.ca.gov)

Subject: Draft GSP Emergency Regulations Public Comment

DATE GROUNDWATER  
SUSTAINABILITY PLAN  
REGULATION COMMENT  
RECEIVED BY DWR  
**03/30/2016**

To Whom It May Concern:

See attached comments submitted on behalf of Stanislaus County regarding the draft GSP regulations.

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## Questions and Comments on Draft GSP Emergency Regulations

Page	Section	Topic	Comments	Questions
3	351(e)	Definition of "Baseline" or "baseline conditions"	The baseline definition should include a date (presumably January 1, 2016, the date SGMA became law). The baseline should include current trends.	
3	351(j)	Definition of "Critical Parameter"	The intent of the definition appears to be to identify processes that could result in undesirable results if they cross the minimum threshold for becoming significant and unreasonable; however, using identical wording to undesirable results could create confusion.	
5	351	Definitions	Suggest adding a definition for "Sustainability Goal," which is used, but not defined, in the rest of the document	
7	352.4	Best Management Practices	It would be helpful if the intent of using a BMP approach were more clearly stated.	Are BMPs anticipated to be developed and applied in a "cook book" fashion, similar to what is done in the storm water management arena? Does the Department envision using BMPs to help standardize data collection and management practices?
8	352.6(b)(1)	Data Reporting Standards for wells and monitoring sites	The Department should consider defining a standard for monitoring site identification to avoid confusion. Section 352.6(b)(3)(A) seems to suggest that all monitoring sites should be assigned CASGEM identifiers and be included in the CASGEM system. This should be clearly stated.	
8	352.6(b)(2)	Wells used for geologic and other information	Change "All available information..." to "A summary of available information..." to avoid the unduly burdensome requirement to provide all data for all wells in a basin.	
10	352.6(e)	Groundwater and surface water modeling software		Does this mean that "proprietary models" such as FEMFLOW will not be allowed?
10	352.8	Data Management and Record Keeping		Does the Department envision any requirements to provide public or stakeholder access to a GSA's Data Management System, or is that decision left to the GSA?
11	353.4	Reporting Provisions	The Department should consider clarifying professional qualifications for report preparers.	Doesn't existing regulation by the Department of Consumer Affairs require that Plans, Plan amendments, annual reports, and 5-year assessments be signed by a registered Professional Geologist or Professional Engineer?
12	353.8	Public Comment	The section specifies the public comment requirements applicable to the DWR, but not to a GSA. Consider adding public comment requirements for GSAs.	
15	354.6(e)	Anticipated revenues and costs of implementing the Plan	As written, this section requires a detailed and far reaching response in the form of a financial plan. Water Code Sections 10723.8 and 10733.2 do not require such a description. Such information may not be feasible for most jurisdictions to put together, since the ultimate needs of an adaptive management approach will not be known. Recommend a simplified approach that requires a general financial statement and statement regarding the approach and Ability of an GSA to raise revenue.	
16	354.8(a)(5)	Density of wells	Density of groundwater demand would be more meaningful; however, it may be difficult to determine.	
16	354.8(c)	Description of existing monitoring programs	Consider including description of monitoring data for contaminated sites included in the SWRCB's Geotracker database.	
16	354.8(e)	Coordination with IRWMPs and FMPs	Coordination of GSPs with UWMPs and AWMPs is crucial. These should be added.	

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17	354.8(g)	Plain language description of land use elements or topic categories of GPs	Coordination of GSP implementation and CEQA reviews is crucial and should be discussed	
17	354.8(g)(6)	Summary of well permitting process	Coordination of GSPs with the local well permitting process is crucial. It would be beneficial to discuss this under a separate section rather than as a subsection in the plain language summary of land use planning.	
18	354.1	Notices and Communication	This section does not specify whether GSAs have an obligation to respond to public or stakeholder comments, if so, how they must respond. In addition, the California Water Action Plan and other water programs make specific reference to the engagement of DACs and Non-Profits, and this section does not mention any such requirement.	
19	354.14(a)(3)	Definable bottom of the basin	The base of freshwater deposits to should be defined, where applicable	
20	354.14(c)(5)	Surface water bodies with water supply diversions >10AFY	I believe the SWRCBs reporting requirements for small reservoirs are currently under contention. It is not clear whether this refers to those operational reporting requirements or something more basic.	Does this refer to registered surface water rights included in eWRIMS or another requirement?
20	354.16	Basin Conditions	Trends are an important element of current conditions, yet no mention is made that current trends should be identified.	
21	354.16(d)	Groundwater quality issues	The focus of this section is entirely on anthropogenic contamination and the following important water quality elements are missing: - Naturally occurring water quality issues (e.g., As, U, Cr6+, Mn, Fe, TDS, etc.); - Salt, nutrient management, and irrigated lands; - Potential upconing of deep saline waters; and - Cross connection of aquifers of differing quality.	
21	354.16(d)	Groundwater quality issues	Roy Herndon suggests mention of WDRs should be removed, but I am not sure I agree.	
21	354.18	Water Budget	Plans are to include historical, current and projected water budgets. In some basins, historical water budget data will sparse and uncertain. This limitation should be acknowledged.	
22	354.18(a)(5)	Change in annual volume of groundwater	It is not clear if this is requesting the change in seanal equivalent data from year to year (i.e., spring to spring) or the change during an individual water year (i.e., spring to fall). Many basins do not generate seasonal high water level maps, so it would be more appropriate to require an analysis of the year to year change using data collected at the same time each year.	
23	354.18(d)	Information provided by the Department	Delete the words "water budget" from (1), (2) and (3) to clarify that the department will not actually provide any water budget data.	Which climate change scenarios or data sets does the Department envision providing? Will the Department require Agencies to evaluate more than one climate change scenario?
23	354.18(d)(3)(B)	Water Demand	Projected water demand listed in current UWMPs and AWMPs should be considered.	
24	354.20(b)	Information requirements for Management Areas	The level of understanding of conditions and the data availability in individual management areas may be variable. The level of data availability should not be a prerequisite to the acceptance of a multi-Management Area approach. The potential that knowledge or data in some management areas may be limited should be acknowledged, and the need for plans to fill data gaps within 5 years accepted, similar to overall basin requirements.	Is it the Department's intention that a complete description of the conditions and water budget pursuant to Sections 354.16 and 354.18 be prepared for each Management Area?

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25	354.24	Sustainability Goal	The concept of a Sustainability Goal should be defined. It is not clear whether this goal is an average annual yield (sustainable yield), an avoidance of undesirable results, or something else.	
26	354.26	Undesirable Results	The introductory paragraph defines undesirable results as being "... Caused by groundwater conditions occurring throughout the basin"; however, undesirable results often occur on a more localized level. This needs to be clarified.	Does the Department consider interference drawdown to be an undesirable result? If not, does the Department propose not to address interference drawdown under GSPs? How would this be reconciled with existing significance criteria regarding interference drawdown in the CEQA Guidelines?
26	354.26(a)(2)	Criteria used to define when and where cumulative effects create undesirable results	Guidance is needed to establish criteria for aquatic habitat, in-stream flow requirements, and groundwater-dependent ecosystems.	Would CEQA significance thresholds be appropriate criteria for determining when and where cumulative effects create undesirable results to surface water and groundwater-dependent ecosystems?
27	354.28(a)(4)	Effect of minimum thresholds on beneficial users of groundwater	With respect to the above comment and questions regarding interference drawdown, if minimum thresholds are not set for interference drawdown, it will clearly have an adverse effect on beneficial users of groundwater.	
27	354.28(a)(5)	State, federal, or local standards that relate to critical parameters	Thresholds of significance questions in the CEQA Guidelines are clearly applicable here and should be mentioned.	
28	354.28(b)(1)	Minimum thresholds for lowering of groundwater levels	There is no mention of adverse local effects or interference drawdown. This should be added.  From Roy Herndon - There is no single groundwater elevation that can represent the minimum threshold in most basins. Need to allow for a cumulative analysis of multiple groundwater elevations. Suggest adding the following: "(D) Groundwater elevations at multiple locations throughout the basin that are cumulatively analyzed to provide a composite minimum threshold, e.g., utilizing geographic information system tools."	
29	354.28(b)(4)	Minimum thresholds for water quality	The following question from the CEQA guidelines should be considered: "Question IX(a): Would the project violate any water quality standards or waste discharge requirements?"	
29	354.28(b)(5)	Minimum thresholds for land subsidence	Replace "that substantially interferes" with " that significantly and unreasonably interferes".	Can the DWR or USBOR provide any thresholds for acceptable subsidence beneath State Water Project or California Water Project facilities?
29	354.28(b)(6)	Minimum thresholds for surface water	Guidance is needed to establish criteria for aquatic habitat, in-stream flow requirements, and groundwater-dependent ecosystems.	Would CEQA significance thresholds be appropriate criteria for determining when and where cumulative effects create undesirable results to surface water and groundwater-dependent ecosystems?
33	354.34(g)	Best Management Practices for monitoring	Some standardization of monitoring approaches is needed for data compatibility across the state.	Is it the Department's intention that BMPs be used to introduce some level of standardization into monitoring data collection and management procedures?
33	354.34(h)(6)	Monitoring at interconnected surface waters	The reference to ephemeral or intermittent streams in Section 354.34(h)(6)(2) is confusing since most ephemeral streams are not effluvial and not groundwater connected.	

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36	354.40	Reporting Monitoring Data to the Department	A substantial amount of data that may be used by an Agency may come from outside entities, e.g., USGS streamgauging data, satellite remote sensing data. The regulations should maintain flexibility in their data reporting requirements to allow for citations of public data links, scanned reports, or other methods to avoid impractical or infeasible data conversion exercises.	Is it anticipated that monitoring data will be reported to CASGEM?
40	355.2	Department Review of Initial Adopted Plan		Please confirm whether there is an appeal procedure prior to referral of an inadequate GSP to the SWRCB for enforcement.
41	355.4(b)(4)	Criteria for Plan evaluation - interests of beneficial groundwater users		What criteria will the Department use to determine whether the interests of the beneficial uses and users of groundwater have been adequately considered in a GSP?
42	355.4(b)(8)	Criteria for Plan evaluation - financial	Requirements for a financing plan seem premature and beyond the scope of the DWR to review, unless it is broadly conceptual in nature.	
42	355.4(b)(11)	Criteria for Plan evaluation - human right to water	More to above comments regarding interference drawdown. The stated criterion cannot be met by a Plan that does not address interference drawdown.	
42	355.6	Periodic Review of Plan by Department	No mention is made for any solicitation or consideration of stakeholder or public comments in the review process, either at the GSA or DWR level.	
46	356.4	Annual Report		Can an agency use a different water year period of its choosing? Will data be uploaded in a standardized electronic format?
48	356.10	Agency Evaluation and Assessment	No mention is made for any solicitation or consideration of stakeholder or public comments in the review process, either at the GSA or DWR level.	
49	356.12	Amendments and Modifications to Plan	No mention is made for any solicitation or consideration of stakeholder or public comments in the review process, either at the GSA or DWR level.	
52	357.4(b)	Intrabasin Coordination	The definition of "Submitting Agency" and "Coordinating Agency" should be included in Section 351, or, if the same, a single term should be used.	Is the "Submitting Agency" the same as the "Coordinating Agency"?