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Sent via e-mail to: eric.oppenheimer@waterboards.ca.gov

Mr. Eric Oppenheimer, Director
Office of Research, Planning and Performance
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: Comments on Discussion Draft Groundwater Workplan Concept Paper

Dear Mr. Oppenheimer:

The Kings River Conservation District (KRC D) appreciates the opportunity to provide the following comments on the Water Boards Discussion Draft Groundwater Workplan Concept Paper, dated October 4, 2013 (Concept Paper).

A public agency formed in 1951, KRC D serves the agricultural, business and community residents within 1.2 million acres in portions of Fresno, Kings and Tulare counties. KRC D is a leading resource management agency for water, power, and the environment in the Kings River service area, responsible for flood control, energy generation, environmental programs, on-farm water use efficiency, and groundwater management.

KRC D has a long-standing presence in collaborative and coordinated groundwater management of the Kings and Tulare Lake groundwater basins. KRC D has served as the regional groundwater elevation reporting entity for both basins, long before the implementation of the CASGEM program, for which KRC D serves as the reporting entity. KRC D has played a key role in the creation and ongoing successes of the Kings Basin Water Authority Integrated Regional Water Management Plan, representing over fifty diverse stakeholder interests groundwater basins, with a primary objective of addressing overuse of groundwater within the Kings Basin. KRC D also continues to work with water interests overlying the Tulare Lake groundwater basin to improve data collection and expand on collaborative efforts in that area.

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It is KRCD's understanding that the purpose of the Concept Paper is to support the development of a work plan which would set forth the potential roles for the Water Boards¹ in protection of groundwater resources in coming years, consistent with and as part of the comprehensive approach to water resource management outlined in the draft California Water Action Plan. The Concept Paper appropriately recognizes and supports management of groundwater at the local or regional level, but concludes that local agencies require further tools in order to be able to perform this role in the most effective manner. This may be an appropriate conclusion for some areas; however, many groundwater basins in the state are under sound local and regional management, without need of further authorities. Local management will continue to be the preferred approach, even where concerns have been raised about unsustainable water level declines, local subsidence and degraded groundwater quality.

KRCD offers the following comments and recommendations regarding the Potential Actions contained in the Concept Paper under the categories of identified key elements of effective groundwater management.

Sustainable thresholds

We agree that it is critically important to clarify the State Water Resources Board (SWRCB) Antidegradation Policy as it applies to groundwater. We also agree that Basin Plans should reflect updated salt and nutrient objectives. KRCD, as a member of the Southern San Joaquin Valley Water Quality Coalition, is an active participant in the CV-SALTS effort.

The terms "sustainable" and "thresholds" as used in the Concept Paper lack sufficient definition and thus raises concern. While "thresholds" may be appropriate for water quality protection, we suggest the use of "sustainable objectives" for groundwater supply. The concept of management objectives were amended into the California Water Code statutes governing groundwater management in 2002 (SB1938) to apply to groundwater elevations, water quality, subsidence and surface/groundwater interaction. SB1938 compliant groundwater management plans containing all or some of these objectives have been adopted by local and regional groundwater management agencies throughout the state. We believe it is more productive to build upon the concept of objectives by developing

¹ "Water Boards" is presumed to include the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards. If this presumption is incorrect, the Concept Paper should clarify.

additional conditions or requirements for local agencies than to introduce a new concept of "thresholds".

"Sustainability" will also require careful definition. Efforts to define sustainability as the lack of overdraft, when such overdraft is using available groundwater resources to alleviate shortages in surface water supply due to drought, should be avoided. Sustainability should be based on measureable performance objectives applied over a long-term planning horizon of 20-30 years.

Monitoring data

A substantial amount of groundwater elevation and quality data is being developed at the state and local/regional level. We support the general conclusion that improvements to these data are necessary. The Water Boards and other state agencies, in coordination with local and regional agencies as appropriate, should evaluate how to better integrate these various sources of information to support public awareness and policy consideration pertaining to groundwater management. Data gaps should be identified and the state should continue to provide technical support to implement monitoring and reporting to address these gaps, with emphasis on the more actively used groundwater basins.

We also agree that objective assessment criteria to determine conditions of California's groundwater basins should be developed based not only on current practices but also on criteria used to define sustainability. These criteria should be developed through a stakeholder process to ensure they are technically supported and reflective of the broad diversity of groundwater conditions throughout the State.

Governance structures and management elements

There are numerous governance structures and elements for groundwater management contained within California law. A common understanding of these various structures and the authorities each possess is lacking. An analysis of these structures and authorities would support a discussion on how best to meld together in local and regional activities the appropriate powers and authorities to protect groundwater resources.

The role of Integrated Regional Water Management (IRWM) programs in managing and protecting groundwater should also be carefully evaluated and enhanced. The Department of Water Resources continues to encourage integration of groundwater management plans and activities within IRWM planning areas. It may be appropriate to require, rather than encourage, this integration and then examine what additional authorities the IRWM governance structure might obtain to address groundwater management.

Additional discussion is necessary to determine how best to prioritize and identify so-called "high-use" basins or to establish active management areas. Well-defined criteria will allow for focused allocation of resources to address prioritized areas of concern.

Funding

State general obligation bonds have provided a solid source of funding over the past decade to support development of groundwater management plans, integrated regional water management plans and projects, technical assistance, monitoring, and reporting. Future water bonds must continue to contain provisions to support state and local/regional activities. In addition, an analysis of existing local funding mechanisms and barriers (for example, Proposition 218) should be performed to determine how to assist local agencies in raising fees for needed water management investments more generally. Opportunities to develop streamlined local and regional financing through sales tax initiatives, property tax assessments, or possibly regionally supported public goods charges on water deliveries should be considered.

Oversight/enforcement

The public review draft of the California Water Action Plan includes recommended action pertaining to groundwater that focuses on strengthening management of groundwater. The Action Plan states "When a groundwater basin is at risk of permanent damage, and, after been provided the needed authority, local agencies do not make sufficient progress to correct the problem in a timely manner, the state should have carefully defined authority to protect the basin and its users until an adequate local program is established."

We support this concept, yet note that significant effort will be required to define key terms and phrases contained in this one sentence, such as:

- How will risk of permanent damage be assessed and by whom?
- How will lack of sufficient progress be determined, and by whom?
- What will be considered "timely"?

We also agree that "carefully defined authority" for the state is necessary. The SWRCB has defined authorities, regulatory programs and enforcement tools that may be appropriate in the protection of groundwater basins but that authority has generally been focused on groundwater quality. It is appropriate to examine these authorities as it relates to management of groundwater basins for supply sustainability and define, through legislation or administrative proceeding, how those authorities will be applied and under what conditions.

Two other areas warrant consideration and recognition in the Concept Paper and subsequent Work Plan.

Conjunctive Use

It is critical to recognize that sustainable groundwater management can only be achieved through robust conjunctive management of surface water resources or by decreasing use of the groundwater and accepting the significant economic impact that decrease will have on agricultural, urban and environmental uses. Many groundwater basins that are facing unsustainable overdraft conditions have been dependent upon reliable surface water supplies that are no longer available. A significant number of these basins have lost those once conjunctively managed supplies primarily because they have been reallocated to serve environmental objectives. The SWRCB and the Administration cannot divorce groundwater conditions and management from overall state water policy. The SWRCB must identify ways it can expedite water transfers, increase storm water and recycled water recharge, and develop new surface and groundwater storage and conveyance projects statewide.

Agency Alignment

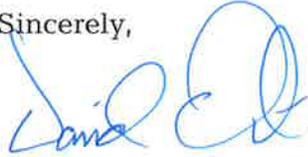
As acknowledged in the Concept Paper, Water Boards need to collaborate with other state agencies and stakeholders to effectively address oversight and enforcement needs. Improved coordination between state agencies is essential, especially with the Department of Water Resources (DWR) (for example with regard to the status of the CASGEM program). We support the proposed action to establish an interagency task force to address this issue but recommend that it be convened by DWR. The task force should be broadly inclusive of stakeholders including agriculture and land use authorities and be charged with pairing regulatory streamlining incentives with groundwater management authorities.

KRCD has demonstrated its commitment to effective and sustainable management of groundwater, through its participation in regional collaborative efforts and as an active participant in statewide policy discussions. We are committed to work with the Water Boards and staff in the upcoming months to develop a work plan that defines the appropriate roles in protection of groundwater resources.

Mr. Eric Oppenheimer, Director
Office of Research, Planning and Performance
State Water Resources Control Board
Page 6

If you have questions or want to follow-up concerning these comments please contact me at
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Sincerely,



David Orth
General Manager

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