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11 September 2019

To: Salinas Valley Basin Groundwater Sustainability Agency (GSA)

Re: September 12, 2019 meeting

Agenda Item 3.b
Chapter 10 of 180/400 GSP

Agenda Item 3.c
Chapter 11 of 180/400 GSP

Draft Chapter 10 of the 180/400 GSP

In my prior oral comments and comment letters, I noted that draft Chapter 10 asserted that the "water charges framework" would be the only approach to funding, contrary to presentations made by GSA staff and consultants. The current draft, page 157, includes a revised explanation that now reflects more flexibility, consistent with the various public presentations. Section 10.2. The "framework" will be developed in the first three years of GSP implementation, and may also include fiscal tools other than water charges. From page 158:

> Details of the GSP implementing finance framework for all six subbasins will be developed during the first three years of this GSP's implementation through a facilitated, Valley-wide process. This process will be similar to the successful facilitated process that resulted in the SVBGSA serving as the GSA for some or all parts of all six subbasins. The result of this facilitated process will be an agreement on the financing method approved by the SVBGSA. The facilitation will be complete by January 31, 2023, and the financing method will be implemented in all six subbasins immediately following.

Among the other notable differences in the prior draft is section 10.8. First, the cost estimate of implementation over the next five years rose over $500,000 between the two drafts, with some $300,000 of the increase in the "refine water charges framework" at Tables 10-1 (Advisory committee draft) and 10-2 (current draft), $330,000 v. $632,000.

The most notable change to section 10.8, however is the "conceptual" or "estimated" allocation of which implementation tasks are unique to the 180/400 and which are not. The most striking entry in the current draft at Tables 10-1 and 10-2 is that the task "refine projects and actions" is allocated to the Valley (multiple sub basins) and not to the 180-400. The amount estimated is $460,000 -- a substantial portion of the total annual costs. If one credits section

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10.2, projecting which implementation tasks are allocable to which sub basin is premature, i.e., well before the three-year process for negotiation and analysis has commenced. In fact, a cursory review of Chapter 9's recommendations show that, by design, numerous of the management actions and projects benefit the 180/400, thus the cost of "refining" those actions and projects should also be allocated to that sub basin, rather than shared (in a yet unknown ratio) among all. The following appear to be priority actions and preferred projects from GSP Chapter 9 identified as impacting/benefiting the 180/400: Action 4 (restrict CSIP pumping); Action 5 (MCWRA restrictions on deep aquifer); Projects 2 (optimize CSIP); 3 (Monterey Water One additional flows); 4 (expand CSIP); 5 (SRDF diversions); and 6 (SWI barrier).

While the conceptual or estimated division of some implementation costs into Valley-wide and 180/400 headings is facially rational, making such allocations (1) before the process around the "negotiation" described in section 10.2 has started and (2) ignoring Chapter 9's identification of certain Actions and Projects subject to "refinement" as uniquely 180/400 ones, skews expectations, fears, or concerns about who pays for "regulatory" programs. As acknowledged in the materials relied upon by the Board of Directors when approving the Administrative Fee, while the Valley was generally supportive of a modest fee to do what SGMA requires (the GSP's), the GSA was not being given carte blanc to increase fees.

> No concerns about the level of the fee today, but concerns it could escalate dramatically in the future

Hansford Economic Consulting, bullet point in presentation deck, page 106, March 14, 2019 GSA packet for Administrative Fee item. Tables 10-1 and 10-2, inadvertently or otherwise, create the impression that the GSA has default expectations for the three-year refinement process of the water charges framework of Section 10.2.

Draft Chapter 11 of the 180/400 GSP

In my comment letter to the Advisory Committee dated 14 August 2019 I noted that Appendix 11E was obviously a legacy document. In part, my letter noted the following:

> The text [of draft Chapter 11] explains the role of the Integrated Sustainability Plan (ISP) and takes care to refer to the 180/400 as a "sub basin" rather than "the basin."[footnote omitted] The draft states that Appendix 11E "has been developed to support the preparation and implementation of a well-informed GSP and ISP." Appendix 11E, however, appears to be an outdated and materially inaccurate document that omits any mention of the ISP. Referring to the Salinas Valley, it states that "our groundwater basin is officially designated . . . as "Critically Over-Drafted."" See 1/109. The Appendix refers to "seven"

> sub-basins with "two" in critical overdraft. See 2/110. Only one GSP is contemplated for the entire "basin." 2-3/110-111 [page references to pagination in Advisory Committee packet]

The bottom margin date of August 12 suggests that Chapter 11 has not been edited at all since its presentation to the Advisory Committee. At a minimum, a substantial caveat needs to be added in Chapter 11 text and at the head/footers of Appendix 11E identifying it as a no-longer accurate early draft that should be understood as a legacy staff document, not authorized by Board action. Otherwise, Appendix 11E will simply sow confusion and may cause the public to misunderstand the true status of the 180/400 GSP, the other GSP's to come, and the ISP.

Very truly yours,

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16 September 2019

Mr. Gary Petersen
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Mr. Derrik Williams
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Dear Mr. Peterson and Mr. Williams,

Thank you for taking the time to meet with our SGMA consultant EKI Environment & Water, Inc. on 15 August 2019. This letter

(1) Provides MCWD GSA's comments on draft 180/400 Foot Aquifer Subbasin Groundwater Sustainability Plan (GSP) Public Review Draft Chapter 9 (dated 2 August 2019) and Draft Chapter 10 (dated 28 July 2019); and
(2) Summarize agreements reached regarding coordination with MCWD GSA representatives Proposition 68 grant application for the 180/400 Foot Aquifer Subbasin and Monterey Subbasin.

COMMENTS TO CHAPTER 9 PROJECTS AND MANAGEMENT ACTIONS

1. Water Charges Framework (Section 9.2)

The sentence below was added to Public Review Draft Chapter 9, Section 9.2 Water Charges Framework:

> *"The fee structures in each subbasin will be developed in accordance with all existing laws, judgements, and established water rights."*

We understand that SVBGSA will further revise this sentence to include existing water management agreements as part of the basis for developing fee structure and pumping allowances, pursuant to our discussion during the 10 July 2019 meeting and MCWD's comment letter for Chapter 9 dated 1 August 2019. We understand that SVBGSA has received the comment letter but have yet to incorporate those comments into Chapter 9.

Additionally, it appears that this sentence and the associated paragraph discuss the fee structure as well as the sustainable pumping allowance. Therefore, the sentence should be revised to begin with "The fee structures and pumping allowance in each subbasin…"

2. Pumping Barrier Extraction Rate Calculation (Appendix 9-C)

Appendix 9-C mentions that the estimated pumping rates of the barrier project is calculated based on an analytical solution published by Javandel and Tsang (1987). This analytical solution assumes a constant background gradient. However, it is highly unlikely that a constant background gradient will be maintained over the project lifetime, because once sea water intrusion is stopped water levels inland of the barrier will begin to decline as seawater stops recharging the basin. As recognized in the GSP, numerical modeling is needed to assess rates of groundwater extraction that will be required to halt saltwater intrusion.

As discussed in Comment #5 to Chapter 10 below, the SVIHM will likely not have the resolution or adequate calibration in proposed project area and cannot be used to model density driven flow. Therefore, the GSP should acknowledge that alternative models will likely be required to evaluate the proposed pumping barrier project.

3. Estimated Pumping Barrier Extraction from Monterey Subbasin (Appendix 9-C)

Appendix 9-C estimates that the pumping barrier will have a total extraction volume of 30,000 AFY; 22,500 AFY of which would be extracted from the 180/400 Foot Aquifer Subbasin. Per discussion, it is understood that the remaining 7,500 AFY would be extracted from the Monterey Subbasin.

4. Mitigation of Overdraft (Section 9.6 and Table 9-5)

Section 9.6 discusses the overdraft estimated in Chapter 6 and stated that "[t]he priority projects include more than ample supplies to mitigate existing overdraft, as presented in Table 9-5." As agreed during the meeting, SVBGSA should add a discussion that Section 9.6 is included per requirements of GSP Regulations (and cite relevant sections) and that mitigating the overdraft as estimated does not meet all of the basin's sustainable management criteria. Specifically, without a hydraulic barrier, seawater intrusion will continue to occur if groundwater extraction within the basin occurs at the identified sustainable yield. As SVBGSA stated in Chapter 6, "simply reducing pumping to within the sustainable yield is not proof of sustainably, which must be demonstrated via Sustainable Management Criteria (SMC)."

Additionally, given the technical uncertainties of the proposed seawater intrusion pumping barrier project and the potential project cost that may not be approved by groundwater basin users, the GSP should provide an estimate of the sustainable yield of the 180/400 Foot Aquifer Subbasin (or the larger Salinas Valley Basin) without the pumping barrier project. This estimate is required under SGMA, which defines "Sustainable Yield" as "the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result."

We understand that due to modeling limitations and data gaps, SVBGSA is reluctant to provide an estimate the "sustainable yield" of the basin when sustainable management criteria for seawater intrusion are considered. However, analytical methods, similar to those used to estimate extraction rate of the pumping barrier project, could be utilized to provide a preliminary estimate of the Sustainable Yield of the basin if the extraction barrier is not installed. For example, previous studies conducted on this topic by Geoscience (2013), *Protective Elevations to Control Sea Water Intrusion in the Salinas Valley,* estimated that approximately 60,000 AFY would be needed for the Salinas Valley Water Project to recharge the Salinas Valley Basin sufficiently to stop seawater intrusion. Alternatively, the GSP could compare and discuss the volume of water needed for an injection barrier, as presented in Appendix 9-C.

COMMENTS TO CHAPTER 10 GSP IMPLEMENTATION

5. Additional Data Gaps and Analyses to be Addressed (Section 10.3)

As discussed in our comments to the previous chapters, the following additional data gaps and analyses should be identified Chapter 10:

- Seawater intrusion cross-sections (Chapter 5 comments dated 18 April 2019)
  Per GSP Regulations Section 354.16 (c), a GSP should provide "seawater intrusion conditions in the basin, including maps and cross sections of the seawater intrusion front for each principal aquifer". The GSP should commit to development of such cross-sections, once data gaps have been filled. These data are needed to inform placement of seawater intrusion barrier wells.

- Groundwater extraction within individual aquifers (Chapter 6 comments dated 2 July 2019)
  We suggest that SVBGSA collect information needed to identify groundwater extraction from each principal aquifer, to allow the development of a water budget for each aquifer. As discussed in MCWD's Chapter 6 comments dated 2 July 2019:

  "Water budget information for each principal aquifer is necessary to verify that proposed future operations of the basin, including implementation of projects and management actions, will not lead to undesirable results in each principal aquifer. Seawater intrusion is occurring in both the 180 Foot Aquifer and the 400 Foot Aquifer, and inland gradients exist within the Deep Aquifer. In order to reach sustainability, hydraulic gradients in each of these aquifers will need to be reversed either through decreasing groundwater extraction and/or future supply augmentation projects. As such, water budgets for each aquifer must be established to verify that undesirable effects do not occur.

  We understand that information related to groundwater extraction within individual aquifer zones is currently limited and that water budgets cannot be developed for each principal aquifer zone. As such, we recommend that the GSP acknowledge this uncertainty and identify it as a data gap. The GSP should provide a plan to further assess rates of extraction and inflows within principal aquifer zones so undesirable results, such as seawater intrusion can be mitigated. This information is critical, as achieving sustainability in the basin requires implementation of projects and management actions, which will need to be evaluated against sustainable management criteria in each principal aquifer."

  However, as discussed and agreed upon during the meeting, this data gap may be extremely difficult to fill and water level data/gradients in each aquifer may serve as a proxy for evaluating the effectiveness of projects and management actions to address saltwater intrusion within each of these zones. However, given the uncertainties associated with groundwater recharge and groundwater levels within the Deep Aquifer (consistent with data gaps identified in Section 10.3), quantification of all groundwater extraction from the Deep Aquifer, should be clearly identified as a Data Gap that will be filled as under the GSP.

We further recommend that the GSP identify actions that will be implemented to allow:

- Development of Sustainable Management Criteria for the deep aquifer; and

- Development of Sustainable Management Criteria that consider project implementation. For example, alternative groundwater elevation Sustainable Management Criteria will be required near the coast if a pumping barrier is constructed.

6. Plans to Refine and Evaluate the Seawater Intrusion Barrier Project (Sections 10.6 and 10.7)

The GSP should acknowledge that alternative models will likely be required to evaluate certain projects, such as the pumping barrier or injection wells, because the SVIHM does not have the resolution or adequate calibration in proposed project areas and cannot model density driven flow.

Further, The GSP states that SVIHM model will be available for use within one year. Per discussion during the meeting, we understand that within one year, the SVIHM model will be released for public use by USGS. Additionally, we understand that the model will be made publicly available consistent with GSP Regulations Section 352.4 (f)(3), "[g]roundwater and surface water models developed in support of a Plan after the effective date of these regulations shall consist of public domain open-source software."

PROPOSITION 68 GRANT COORDINATION

MCWD is considering applying for Proposition 68 Grant (SGM Grant Round 3) for Monterey Subbasin. We understand that SVBGSA is also planning to apply for this grant for other basins under its jurisdiction. As agreed, both parties will coordinate and support each other in grant funding processes.

Thank you for this opportunity to provide these comments. We look forward to working with you to discuss, evaluate, and refine the proposed Chapter 9 actions and projects.

Sincerely,

Keith Van Der Maaten
General Manager, Marina Coast Water District

October 7, 2019

Ron Stefani, Chairperson
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Via email peterseng@svbgsa.org, camela@svbgsa.org

Subject: Comments on Groundwater Sustainability Plan (GSP) 180/400-foot Chapter 10, Implementation, and on need for interim pumping restrictions

Dear Chair Stefani and Members of the Board of Directors:

LandWatch appreciates the opportunity to comment on the 180/400-Foot Subbasin Groundwater Sustainability Plan, Chapter 10, Implementation.

Summary of comments

LandWatch's detailed comments follow.

1. **The proposed implementation fails to recognize the urgency required for action to address the critically overdrafted 180/400 Foot Aquifer Subbasin.**

SGMA requires more urgent action for critically overdrafted basins than for other overddrafted basins. The Chapter 10 GSP Implementation proposal fails to recognize this urgency because it defers substantive action for the critically overdrafted 180/400 Foot Aquifer Subbasin until the SVGBGSA is prepared to implement the GSP for the rest of the Salinas Valley Groundwater Basin (SVGB). Because the remainder of the SVGB is merely overdrafted rather than critically overdrafted, its GSP is not due until 2022.

In particular, section 10.7 postpones implementation of projects and management actions in order to coordinate with the timetable for the rest of the Basin:

> The projects and management actions identified in Chapter 9 are sufficient for attaining sustainability in the 180/400-Foot Aquifer Subbasin as well as the other five subbasins in the Salinas Valley. The projects and actions will be implemented in a coordinated fashion across the entire Salinas Valley to ensure Valley-wide sustainability. Because five of the subbasins in the Valley will not complete GSPs until January 31, 2022, many of the projects and actions will be implemented only after this time.

Indeed, the only action proposed for projects and management actions prior to completion of the GSP for the rest of the SVGB in 2023 is some water rights studies, cost refinement, preliminary design ("if projects adequately defined"), and some initiation of environmental permitting (CEQA?). (GSP section 10.7.)

GSP Figure 10-1, "General Schedule of 5-year Start-Up Plan," represents that the SVGBGSA will "Implement Priortized Projects" between 2023 and 2025. However, any implication that the nine priority projects identified in Chapter 9 will actually start up in 2026 is inconsistent with the detailed project timelines in Chapter 9, which call for 3 to 9+ years to implement projects once the SVGBGSA has committed itself to them.

Furthermore, there is no reason to suppose that the SVGBGSA can or will actually commit itself to the basin-wide projects in 2023 as soon as the SVGBGSA submits the GSP for the rest of the SVGB. First, DWR may not approve the Basin-wide GSP for several years. Second, many of the projects will require complex Proposition 218 compliance after SVGBGSA decides to pursue them in order to determine whether fees can be assessed to actually build them.[1] (Water Code, § 10730.2(c)). The Proposition 218 processes, typically requiring engineering studies and benefit allocations based on a completed design and hydrological assessment, may add years to each major project. The SVGBGSA cannot actually commit itself to commence a project until it has completed the Proposition 218 process.

Finally, section 10.2 defers the implementation of a financing method for projects and management actions to coordinate with the timetable for financing for the rest of the Basin:

> Details of the GSP implementing finance framework for all six subbasins will be developed during the first three years of this GSP's implementation through a facilitated, Valley-wide process. This process will be similar to the successful facilitated process that resulted in the SVBGSA serving as the GSA for some or all parts of all six subbasins. The result of this facilitated process will be an agreement on the financing method approved by the SVBGSA. The facilitation will be complete by January 31, 2023, and the financing method will be implemented in all six subbasins immediately following.

The GSP is apparently describing the adoption of a financing "method," not an actual financing plan or capital budget. As noted, the actual budget and financing plan will require the completion of Proposition 218 processes for the projects.

In effect, the proposed GSP Implementation improperly treats the actual management of the critically overdrafted 180/400 Foot Aquifer Subbasin as if it were on the same timetable as the rest of the SVGB. This does not meet the mandate of SGMA, which requires more than a plan by 2020. SGMA requires that critically overdrafted

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[1] The GSP identifies a proposed "regulatory fee" for pumping a "Sustainable allowance" and an "interim base fee" pending completion of the "GSP financing framework." (GSP, sections 9.2 and 10.2.) However, before Proposition 218 compliance, those fees could not be used for projects but only for the activities related to developing and managing the GSP. (Compare (Water Code, §§ 10730 and 10730.2.)

basins "shall be *managed* under a groundwater sustainability plan" by January 31, 2020. (Water Code, § 10720.7(a)(1), emphasis added.)

If the development and financing of projects must await completion of the GSP for the remainder of the SVGB, or if delay is required to negotiate financing and develop projects, then the SVGBGSA should consider all feasible interim measures to manage the 180/400 Foot Aquifer Subbasin pending the implementation of basin-wide projects and financing.

LandWatch proposes that this interim management should include pumping restrictions for the reasons set out below.

2. The SVGBGSA should impose pumping restrictions pending start-up of new water projects in order to restore and maintain the protective groundwater elevations needed to attain the adopted minimum threshold for seawater intrusion.

In previous comments LandWatch has explained that seawater intrusion must be addressed by taking steps to increase and then maintain groundwater levels at protective elevations.

THE PROPOSED GROUNDWATER LEVEL MINIMUM THRESHOLDS DO NOT COMPLY WITH SGMA BECAUSE THEY DO NOT PREVENT SEAWATER INTRUSION: In comments on Chapter 8, LandWatch explained that the section 8.6.2 minimum threshold for groundwater levels must be set at a level that is sufficient to prevent further seawater intrusion. The section 8.8.2 minimum threshold for seawater intrusion is the "2017 extent of the 500 mg/L chloride concentration isocontour as mapped by MCWRA," i.e., the existing line of seawater intrusion advancement. SGMA mandates that the "basin conditions at each minimum threshold will avoid undesirable results for *each* of the sustainability indicators." (23 CCR § 354.28(b)(2), emphasis added.) Thus, it would not comply with SGMA to set the minimum threshold for groundwater levels at a level that does not actually halt seawater intrusion.

As LandWatch's Chapter 8 comments and the technical studies referenced in those comments explain, existing groundwater levels are currently far from the levels required to prevent further seawater intrusion. This is readily apparent from the technical study on which the GSP relies for the historic water budget in Chapter 6.[2] That study establishes that as of 2013 there was a *cumulative* storage deficit in the Pressure Subbasin (aka, 180/400 Foot Aquifer Subbasin) of 110,000 acre-feet.[3] That study concludes that this cumulative storage deficit would increase by 10,000 to 20,000 afy under continued dry conditions. Since the drought did not end until 2019, the cumulative deficit has grown. The relation between cumulative deficit, insufficiently protective groundwater levels, and seawater intrusion is also evident from the rapid advances of seawater intrusion through 2017.

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[2] Brown and Caldwell, *State of the Salinas River Groundwater Basin*, January 2015, available at https://www.co.monterey.ca.us/home/showdocument?id=19586.

[3] Id, p. ES-11.

The minimum threshold for groundwater elevations adopted in section 8.6.2 do not comply with SGMA's requirement that each minimum threshold be coordinated to ensure that *all* undesirable results be avoided. The section 8.6.2 groundwater level thresholds are set at only one foot above the 2015 levels, which were entirely insufficient to prevent seawater intrusion advancement.

THE PROPOSED STORAGE REDUCTION MINIMUM THRESHOLD DOES NOT COMPLY WITH SGMA BECAUSE IT DOES NOT PREVENT SEAWATER INTRUSION: SVGBGSA must also revise its section 8.7.2 minimum threshold for annual reduction of groundwater storage (i.e., groundwater pumping of natural recharge amounts). The GSP sets this threshold at 112,000 afy, representing the "future long-term sustainable yield of the Subbasin under reasonable climate change assumption."

As LandWatch explained in comments on Chapter 6, until SVGBGSA has a validated groundwater model that reconciles historic and modeled future conditions, it should adopt the most conservative estimate of sustainable yield for this minimum threshold, i.e., the 95,700 afy estimated using the historic model. (See GSP Table 6-31.)

Adopting a conservative estimate of sustainable yield might be sufficient to *maintain* protective groundwater elevations, but pumping the sustainable yield will not *restore* protective groundwater elevations. It is evident that the cumulative storage deficit from prior years of overdraft conditions must also be addressed.

The GSP's announced rationale for setting the storage reduction minimum threshold (maximum natural recharge pumping threshold) at 112,000 afy was that stakeholders "suggested a preference for increasing groundwater storage, but not a preference for restricting average year pumping." (GSP, section 8.7.2.) In short, stakeholders want to see the problem solved, but are not willing to do what is needed to solve it.

However, to meet its adopted minimum threshold for seawater intrusion, SVGBGSA must immediately reduce pumping in the 180/400 Foot Aquifer Subbasin. The pumping reduction must not merely avoid overdraft conditions; it must also replace the historic storage depletion that has resulted in lowered groundwater levels. Regardless whether the SVGBGSA has 20 years to attain overall sustainability, it must take immediate action to meet the seawater intrusion minimum threshold because there is no evidence that seawater intrusion can be reversed once the aquifer is contaminated.

The necessary pumping reductions may eventually be matched by deliveries of additional water from new projects. But even if there is no new water in the short term, SVGBGSA cannot consistently reconcile its obligation to halt seawater intrusion at the current line of advancement with its proposed adoption of minimum thresholds for groundwater levels and storage reductions that would continue to induce seawater intrusion.

3. Chapter 10 does not disclose realistic project start-up projections.

The GSP identifies various timelines for the nine identified priority water projects in Chapter 9 that include necessary actions in a necessary sequence, such as studies and preliminary engineering, obtaining agreements and right of way, CEQA, permitting, design, bid and construction, and startup. Some projects might be implemented in 3 years from commitment; but most are projected to take from 5 to 9 years from commitment to start-up. Chapter 9 does not disclose when the timelines for each project would *commence* running, so it is impossible to determine when these projects would actually deliver results.

The Chapter 10 implementation schedule proposes that no projects commence "implementation" before the adoption of the GSP for the remainder of the SVGB in 2023 so that the projects can be coordinated on a basin-wide basis. As noted above, Chapters 9 and 10 do not include realistic estimates of proposition 218 compliance.

Furthermore, Chapter 10 does not even purport to identify project start up dates. As discussed above, it is not reasonable to assume that the SVGBGSA will be able to "implement" all nine projects between 2023 and 2025, as might be implied by Figure 10-1.

Chapter 10 should be revised to reflect realistic timelines for each project and management action that provide a best current estimate of start-up.

4. Unlike projects, pumping restrictions are feasible in the very near term.

It is evident that the development, permitting, and financing of water projects to replace reliance on current levels of groundwater pumping will take years. It is unlikely that any actual or substantial results toward halting seawater intrusion can be expected from the proposed projects and management actions by 2025, when Figure 10-1 indicates that the projects will be implemented.

Pumping restrictions are legally feasible because they could be imposed based on the regulatory authority of GSAs to "control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations." (Water Code, § 10726.4(a)(2).)

SVGBGSA could adopt pumping restrictions much more quickly than it could actually complete a project. In particular, SVGBGSA would not need to complete the proposed three-year negotiation of a water charge framework and would not need to conduct a multi-year Proposition 218 process. And it is likely that pumping restrictions would be exempt from CEQA as a measure to protect natural resources and the environment.[4] (14 CCR §§ 15307, 15308.)

[4] And if the SVGBGSA could not or would not adopt needed pumping restrictions through such an exemption, then the SWRCB could do so. (Water Code, § 10736.2.)

5. **Unlike projects, pumping restrictions do not require extensive additional data acquisition.**

Pumping restrictions could be imposed on the basis of readily available information. For example, the Brown and Caldwell report has already been used to in Chapter 6 to identify the historic sustainable yield of 95,700 afy. (GSP, section 6.8.4.) The Brown and Caldwell Report also provides an estimate of the cumulative storage deficit, which should be retired through pumping reductions. In its 2013 study for MCWRA, *Protective Elevations to Control Seawater Intrusion in the Salinas Valley*, Geoscience quantified the needed reductions in groundwater pumping (via in lieu recharge) to control seawater intrusion in the northern Salinas Valley.[5]

Although more precise data may eventually be available to closely calibrate the needed pumping reductions, there is no reason not to require some reductions in pumping immediately. Furthermore, there is simply no question that some pumping reductions are essential to halt sweater intrusion. Again, the only rationale advanced in the GSP for avoiding a pumping restriction is that stakeholders did not express a "preference for restricting average year pumping." (GSP, section 8.7.2.) SGMA neither requires nor permits the SVGBGSA to honor a mere preference when that precludes meeting the mandates to meet the minimum thresholds, including the minimum threshold for seawater intrusion.

The GSP already proposes some pumping restrictions in the form of an immediate moratorium on pumping the Deep Aquifer pending completion of a study. There is no reason that the GSP should not also address the need for immediate measures to address seawater intrusion.

6. **Comment responses are required.**

LandWatch has appreciated the opportunity to provide comments on draft chapters of the GSP as they have been released and looks forward to review of a revised plan document that takes its comments into account.

SGMA provides that, in evaluating the sufficiency of a Groundwater Sustainability Plan, DWR should consider "[w]hether the Agency has adequately responded to comments that raise credible technical or policy issues with the Plan." (23 CCR § 355.4(b)(10).) LandWatch asks that the revised Plan to be issued for final public review address the comments LandWatch has already made, explaining how the GSP was revised to address those comments or, if not, why not.

Sincerely,

Michael DeLapa
Executive Director

[5] Available at https://www.co.monterey.ca.us/home/showdocument?id=19642.)