

## Upper Valley Subbasin Groundwater Sustainability Plan Development

### Comment Letters Received

[SVWC. 061020](#)

[Cremers. 061120](#)

[Bean. 072620](#)

[Merrifield. 082320](#)

# Salinas Valley Water Coalition



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TRANSMITTED VIA EMAIL

Salinas Valley Groundwater Sustainability Agency  
Atten: Ms. Emily Gardner, Deputy General Manager

June 10, 2020

**Re: SVBGSA Upper Valley Aquifer Subbasin GSP, Draft Chapters 1, 3 and 4**

Dear Ms. Gardner;

We appreciate this opportunity to comment on draft Chapters 1, 3 and 4 of the Salinas Valley Basin Groundwater Sustainability Agency's ("SVBGSA") Groundwater Sustainability Plan ("GSP") for the Upper Valley Aquifer Sub-basin ("UV Sub-basin"). We ask that you share/distribute our comments to the UV Sub-basin GSP Committee prior to the next scheduled committee meeting so that the Committee is afforded an opportunity to review and consider the comments ahead of the meeting.

We offer the following comments for your consideration:

1. **Section 3.2 Land Use:**

Pg 3-4, Table 3-1 provides a land use summary that appears to subsequently be used to identify irrigated lands and their associated amounts of water use. The GSP states that the agriculture lands shown on the table include grazing lands.

**Recommendation: Grazing lands should either be removed from the table or have a separate water use value because the majority of the grazing lands in the UV Sub-basin are not irrigated.**

2. **Section 3.2.1 Water Source Types:**

The GSP states: "...approximately 31.5% of the water used in the Subbasin is surface water, as reported to the State Water Resources Control Board (SWRCB)... Approximately one third of the reported surface water diversions are also reported to MCWRA as groundwater extraction. Figure 3-4 does not show land that is dependent on surface water, but rather infers areas that use surface water through diversion permits."

We do not believe these statements are factually correct. We have previously raised this issue during your preparation of the 180/400 Aquifer GSP and are unpleasantly surprised to see the inaccurate statements repeated again. We believe that the majority, if not all, of the water used in the UV Sub-basin is in fact percolating groundwater. There has been no determination by the State Water Resources Control Board (SWRCB) as to whether

***Mission Statement: The water resources of the Salinas River Basin should be managed properly in a manner that promotes fairness and equity to all landowners within the basin. The management of these resources should have a scientific basis, comply with all laws and regulations, and promote the accountability of the governing agencies.***

any well along the Salinas River is pumping water from underflow/subterranean stream flowing through a known and definite channel (as had been determined for the Carmel River). Unless and until there is such a determination, there is a legal presumption that all wells along the Salinas River are pumping percolating groundwater.

It is our understanding that the majority, if not all, of those who file Statements of Water Diversion and Use with the SWRCB, have done so in the event there is a determination that the water pumped is underflow, a subterranean stream, or any other water that is characterized as surface water subject to the SWRCB's jurisdiction in order to take the position that they were exercising their riparian water rights associated with their respective lands. It is also our understanding that the majority, if not all, of the individuals who file these Statements with the SWRCB also file 'duplicate' water use/extraction reports with the Monterey County Water Resources Agency (MCWRA); the Statements and water use/extractions in the filings with the MCWRA are not additive. Simply stated, there appears to be double-counting of water consumption in the UV Sub-basin.

**Recommendation: This error needs to be corrected as it significantly distorts and misrepresents the actual amount of surface water diverted in the Upper Valley Sub-basin. There should be a reconciliation of the Statements filed with the SWRCB and the annual extraction reports filed with the MCWRA, which we believe will confirm that the majority, if not all, of the 'diversion' amounts set forth in the Statements are duplicative of those amounts provided in the extraction reports filed with the MCWRA. It should be noted that the Statements filed with the SWRCB require reporting based on a calendar year, while the extraction reports filed with the MCWRA are based on a water year.**

Further, please consider this a public records request pursuant to the California Public Records Act (Government Code §6250 et seq) to provide the SVWC all of your supporting documentation and underlying data (i.e., public records) associated with the determination made by your GSP Consultants that "31.5% of the water used in the subbasin is surface water."

### **3. Section 3.4.1 Incorporating Existing Monitoring Programs into the GSP and Limits to Operational Flexibility**

The UV GSP states that the groundwater elevation monitoring programs are operated by an "existing member" of the SVBGSA.

**Recommendation: The UV GSP should identify the member of the SVBGSA which is operating the programs.**

### **4. Section 3.4.3 Groundwater Extraction Monitoring**

The Section 3.4.3 of the UV GSP states that "extraction is self-reported by well owners".

**Recommendation: Because there continues to be a lack of public understanding of extraction reporting, we suggest that you expand your discussion on this matter to include a statement explaining the percentage of well owners who report their annual**

**extractions to the MCWRA and distinguish the separate reporting requirements between agricultural wells versus other wells.**

## **5. Section 3.6 Existing Groundwater Regulatory Programs**

### **A. Section 3.6.1**

The first paragraph of this section includes the following statement: "...some of the existing management plans and ordinances will limit operational flexibility. These limits to operational flexibility have already been incorporated into the projects and programs included in this GSP."

This is a surprising statement since only the chapters 1, 3 and 4 of the UV GSP have been prepared and publicly disseminated, and these chapters do not include any discussions of projects and/or programs. It is difficult to fully understand how the operational flexibility of this UV GSP is limited.

**Recommendation: This paragraph should be revised to state, at the very least, that there 'may' be limitations to operational flexibility because of existing management plans and ordinances in place; and that this will be discussed and analyzed further when considering various programs and projects for the UV GSP.**

### **B. Section 3.6.1**

As an example of limitations on operational flexibility, the second paragraph of this section provides the following: "...the groundwater export prohibition included in the Monterey County Water Resources Agency Act prevents export of water out of the Subbasin." **[emphasis added]**

The statement is simply wrong. **Section 3.6.2 Groundwater Export Prohibition** also incorrectly repeats the prohibition.

The fact is the prohibition on exporting groundwater applies to the Salinas River Groundwater Basin as a whole – not just the Upper Valley Sub-Basin. The Monterey County Water Resources Agency Act ("Agency Act") includes the following provisions:

Sec. 8. Objects and purposes of act. The objects and purposes of this act are to provide for the control of the flood and storm waters of the Agency and the flood and storm waters of streams that have their sources outside the Agency, but which streams and flood waters flow into the Agency, and to conserve those waters for beneficial and useful purposes by spreading, storing, retaining, and causing those waters to percolate into the soil within the Agency, or to save and conserve in any manner all or any of those waters and to protect from those flood or storm waters the public highways, life, and property in the Agency, and the watercourses and watersheds of streams flowing into the Agency, and to increase, and prevent the waste or diminution of the water supply in the Agency, including the control of groundwater extractions as required to prevent or deter the loss of usable groundwater through intrusion of seawater and the replacement of groundwater so

controlled through the development and distribution of a substitute surface supply and **to prohibit groundwater exportation from the Salinas River Groundwater Basin**, and to obtain, retain, and reclaim drainage, storm, flood, and other waters for beneficial use within the Agency; and to provide, in the discretion of the Agency in connection with and as an incident to any works, dam, or reservoir heretofore or hereafter constructed either within or without the Agency, for the construction, maintenance, and operation of a minimum or permanent pool and facilities for swimming, boating, fishing, and recreation in or upon waters stored in any stream, reservoir, or minimum or permanent pool, and for the acquisition in any manner provided in this act and for the use by the Agency, in addition or adjacent to lands that may be used or acquired for flood control or water conservation..

(u) **Prevent the export of groundwater from the Salinas River Groundwater Basin**, except that use of water from the basin on any part of Fort Ord shall not be deemed an export. Nothing in this act prevents the development and use of the Seaside Groundwater Basin for use on any lands within or outside that basin.

Sec. 21. Legislative findings; **Salinas River groundwater basin** extraction and recharge. The Legislature finds and determines that the Agency is developing a project which will establish a substantial balance between extraction and recharge within the Salinas River Groundwater Basin. For the purpose of preserving that balance, no groundwater from **that basin** may be exported for any use outside the basin, except that use of water from the basin on any part of Fort Ord shall not be deemed such an export. If any export of water from the basin is attempted, the Agency may obtain from the superior court, and the court shall grant, injunctive relief prohibiting that exportation of groundwater. [**‘that basin’ refers to the Salinas River groundwater basin.**] [**emphasis added**]

**Recommendation: Sections 3.6.1 and 3.6.2 must be revised to accurately reflect the express language of the Agency Act. That is, the prohibition on exportation of groundwater pertains to the entire Salinas River Groundwater Basin. This is an important distinction as there may be properties/ranches that overlap two sub-basins that utilize one irrigation system to irrigate the ranches. There may also be cases where a well on a property over one sub-basin is used to irrigate an adjacent property located over another sub-basin. The UV Sub-basin GSP should include the above express language from the Agency Act.**

**That said, it is important to point out one subbasin cannot cause injury to another subbasin in the Salinas Valley Groundwater Basin pursuant to SGMA. Accordingly, any large project that proposes to export groundwater out of the UV Sub-basin could cause the currently sustainable UV Sub-basin to be unsustainable. In such instances, the prohibition on exportation would apply pursuant to SGMA, but not the Agency Act.**

### **C. Section 3.8.3 Well Permitting**

This section references Monterey County General Plan policies for water supply guidelines applicable to “new lots”, and says these guidelines are represented in Table 3-3.

However, Table 3-3 fails to state that these guidelines are only applicable to water supply on 'new lots', i.e., the policies only apply to the creation of new residential or commercial lots.

**Recommendation: Please correct the language in Section 3.8.3 and Table 3-3 to accurately reflect the limited applicability of Monterey County General Plan policies, specifically Policy PS 1.1 and Table PS-1.**

The misrepresentation is further exacerbated by the UV Sub-Basin GSP's Table 3-4. Table 3-4 is taken from the Monterey County General Plan's Table PS-2, which is included in the General Plan to provide a response to, and to clarify, footnote 5 in Table PS-1; in other words, the UV Sub-basin GSP Table 3-4 is only applicable to existing residential and/or commercial lots.

**Recommendation: These guidelines do not apply to irrigation wells used for agricultural purposes and Section 3.8.3 and Tables 3-3 and 3-4 must be clarified and corrected to accurately reflect the limited applicability of the referenced Monterey County General Plan policies.**

#### **6. Section 3.8.4 Effect of Land Use Plan Implementation on Water Demand**

This section seems to focus on the lawsuit filed against and subsequent settlement with Monterey County on its General Plan. The SVWC was one of the petitioners/plaintiffs in this lawsuit and a party to the settlement. Unfortunately, the UV Sub-basin GSP misstates and misrepresents the elements of the settlement, specifically:

A. The UV GSP states, "The settlement agreement requires the County of Monterey to develop a study of a portion of the Basin's water supplies .."[ emphasis added]

Although this may be technically correct, i.e., the settlement agreement requires the County of Monterey to develop a study of a portion of the Basin's water supplies, specifically those portions within Zone 2C of Monterey County Water Resources Agency zone of benefit, Zone 2C largely overlaps the boundaries of the Salinas Valley Groundwater Basin.

**Recommendation: Please clarify that the study is intended to encompass all of Zone 2C which largely overlaps the boundaries of the Salinas Valley Groundwater Basin.**

B. This section also includes the following statement:

"The settlement agreement furthermore required the USGS to develop the Salinas Valley Integrated Hydrologic Model (SVIHM) that will be used during implementation of this GSP." [emphasis added]

This is simply not true. The settlement requires Monterey County to complete an investigation of the Basin, i.e., Zone 2C, as detailed in the amendment to Monterey County's General Plan Policy PS-3.1. It was the County of Monterey which chose to retain the USGS to develop a model that would allow them to complete their investigation and evaluate its conditions against certain criteria set forth in PS-3.1.

**Recommendation: Policy PS-3.1 of Monterey County's General Plan is enclosed as Attachment A to this letter, and we recommend that the actual policy language be included within your UV Sub-basin GSP should you decide to discuss it.**

C. Section 3.8.4 also includes the following statement: "The outcomes from this study (the basin investigation as required in Policy PS-3.1) may affect the GSP implementation. However, the GSP assumes pumping will be limited to the sustainable yield through the measures laid out in Chapter 9. The study and GSP implementation are two parallel efforts, and the results of the County's study will be reviewed when finalized and considered during GSP Implementation."

It is inappropriate to state the GSP "assumes pumping will be limited...through measures laid out in Chapter 9" when only the chapters 1, 3 and 4 of the UV Sub-basin GSP has been drafted, and all indications to-date show that the UV Sub-basin is sustainable, which is consistent with the statement previously expressed by the your consultant.

**Recommendation: It is inappropriate to include such statements when the hydrological investigation and modeling for the UV Sub-basin have not been completed, and the sustainability of the UV Sub-basin has not been determined – unless, of course, this GSA is pre-determining the outcome. These types of statements should be omitted and replaced with something that simply states, 'the outcomes from various studies, such as the one required with Monterey County's General Plan Policy PS-3.1, and their potential impacts to the GSP will be considered when finalized.'**


**7. Section 3.8.5 Effects of GSP Implementation on Water Supply Assumptions:**

This section includes the following statement:

"The water charges framework, one of the main implementation measures described in Chapter 9, will promote voluntary pumping controls through a tiered pumping fee structure. Changes in the cost of groundwater may affect whether surface water or groundwater is used."

**Recommendation: The above statement again indicates a pre-determined outcome. It is inappropriate to discuss an implementation measure when only chapters 1, 3 and 4 of the UV Sub-basin GSP has been drafted and hydrologic investigation and associated modeling have not been completed. It is certainly premature to assume a need for tiered pumping fees to promote voluntary pumping controls when it is likely the Upper Valley Sub-basin is sustainable as asserted by your GSP consultant. This type of statement should be omitted and replaced with one that simply states, 'various implementation actions will be considered in Chapter 9.'**

Thank you for your consideration of the foregoing comments.

Sincerely,  
  
Nancy Isakson, President  
Salinas Valley Water Coalition

**Attachment 1  
Monterey County General Plan  
Excerpt of Policy PS-3.1**

PS-3.1        Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development.

This requirement shall not apply to:

- a.        the first single family dwelling and non-habitable accessory uses on an existing lot of record; or
- b.        specified development (a list to be developed by ordinance) designed to provide: a) public infrastructure or b) private infrastructure that provides critical or necessary services to the public, and that will have a minor or insubstantial net use of water (e.g. water facilities, wastewater treatment facilities, road construction projects, recycling or solid waste transfer facilities); or
- c.        development within Zone 2C of the Salinas Valley groundwater basin, provided the County prepares or causes to be prepared a study for the Board of Supervisors regarding Zone 2C, to be completed no earlier than October 31, 2017 and no later than March 31, 2018 that does the following:



- 1) evaluates existing data for seawater intrusion and groundwater levels collected by Monterey County Water Resources Agency as of the date the study is commenced;
- 2) evaluates the total water demand for all existing uses and future uses designated in the General Plan EIR for the year 2030;
- 3) assesses and provides conclusions regarding the degree to which the total water demand for all uses designated in the General Plan for the year 2030 are likely to be reached or exceeded;
- 4) evaluates on an annual basis during the study period groundwater elevations and the seawater intrusion boundary;
- 5) based on historical data and the data produced by the study, evaluates and provides conclusions regarding future trends and any expected movement of groundwater elevations and the seawater intrusion boundary;
- 6) should the study conclude that i) total water demand for all uses designated in the General Plan for the year 2030 is likely to be exceeded; or ii) groundwater elevations are likely to decline by the year 2030 and iii) the seawater intrusion boundary is likely to advance inland by the year 2030, the study shall make recommendations on measures the County could take to address any or all of those conditions; and
- 7) addresses such other matters as the Board of Supervisors determines are appropriate.

Within two months following the completion of the study, the Board of Supervisors shall hold an open and noticed public hearing on the results of the study. If the study reaches the conclusions for Zone 2C identified in subsection 6) i or 6) ii and 6) iii, the Board of Supervisors shall adopt one or more measures identified in the study, or other appropriate measures, to address the identified conditions. This exception for Zone 2C shall be a rebuttable presumption that a Long Term Sustainable Water Supply exists within Zone 2C, and the presumption shall remain in effect until and unless the study reaches the conclusion for Zone 2C identified in subsection 6) i or 6) ii and 6) iii. Development in Zone 2C shall be subject to all other policies of the General Plan and applicable Area Plan.

Following completion of the study described herein, and the adoption of measures as may be recommended in the study, if any, the County shall prepare a report to the Board of Supervisors every five (5) years for Zone 2C that examines the degree to which a) total water demand for all uses predicted in the General Plan EIR for year 2030 will be reached; or b) groundwater elevations, the seawater intrusion boundary have changed since the prior reporting period; and c) other sources of water supply are available.

*(Amended by Board Resolution 13-028)*

June 11, 2020

Dear Ms. Emily Gardner,

As Alternate Director for the Upper Valley Sub-basin I want to share some comments that I am hearing regarding the first bit of material released for the Upper Valley GSP. We have an interested core of stakeholders and I assure you that there will be robust conversation from the Upper Valley.

In reviewing the materials for our first meeting, the references to additional chapters has raised the question as to if those chapters are already written. If there are other chapters that are written, we would like to see those now and work through this process with as much information as possible.

Another item that I have received comments on is the surface and ground water use references. These items look to be misleading as written, we look forward to hearing more on this and sharing our firsthand knowledge.

I look forward to the opportunity to talk tomorrow.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grant Cremers', with a long horizontal flourish extending to the right.

Grant Cremers

Alternate Director Upper-Valley Basin

July 26, 2020

Comments on Upper Valley Aquifer Subbasin GSP Volume 1

My comments on the Upper Valley Chapters in Volume 1 relate to my ongoing concern about adequate water pumping data. Page 1-1 recognizes that “limited groundwater data exist in much of the sub basin ...This GSP is based on best available data and analyses. As additional data are collected and analyses are refined, the GSP will be modified.” Is there a plan to require additional data collection? I suggest that the Plan should include specifics on the data needed and the mechanisms proposed to gather that data.

On page 3-11 there is a list of existing wells by type and number but no data about the amounts pumped. I think it is important to know how much water is being pumped by the various existing wells. I would also like to see Industrial Wells separated from Urban Wells.

On p 3-15 Section 3.4.1 “The existing monitoring programs and monitoring networks constitute a well-developed and broadly distributed system that provides representative data throughout the Subbasin. The groundwater elevation monitoring programs are operated by an existing member of the SVBGSA...”

Please clarify which programs this comment refers to and who is the operator?

Section 3.4.2 Existing Groundwater Elevation Monitoring

The total number of monitoring wells is unclear to me:

1. MCWRA operates 4 CASGEM wells in this sub basin collecting monthly groundwater elevation data.
2. MCWRA gets monthly groundwater elevation measurements from 10 wells plus fall monitoring of 30 wells
3. Extraction data is self reported by well owners of all 3” or greater discharge pipes. Monthly?

How many total monitoring wells are there? Are the wells in item #3 included in any of the above categories ( #1 and #2)?

Is all the well data voluntary and not subject to verification?

SGMA requires “implementing the GSP and managing to measurable, quantifiable objectives”.

I believe requiring adequate and verifiable pumping data in every subbasin is necessary to achieve measurable, quantifiable objectives.

Beverly G. Bean, Advisory Committee Member



**San Joaquin Valley Business Unit**  
Chevron North America Exploration and  
Production Company  
(A Chevron USA Inc. Division)  
9525 Camino Media  
Bakersfield, CA 93311

August 23, 2020

Ms. Donna Meyers  
General Manager -- SVBGSA  
c/o Regional Government Services  
P.O. Box 1350  
Carmel Valley, CA 93924

Subject: Comments to Salinas Valley: Upper Valley Aquifer  
Sub-basin Groundwater Sustainability Plan

Dear Ms. Myers:

Chevron North American Exploration and Production (Chevron) operates facilities in the San Ardo area of Monterey County. As an active member of the Salinas Valley Basin Groundwater Sustainability Agency's Advisory Committee, Chevron offers the following comments with respect to the captioned Groundwater Sustainability Plan (GSP).

- a. Chevron's Reverse Osmosis (RO) Plant permeate is not mentioned in the GSP. The RO Plant treats non USDW water to the standards required for beneficial reuse. There is a WDR permit for this discharge, therefore it should be included as a new water source.
- b. Per Fig 3-11, there is only 1 surface water gauge in the sub basin. We recommend projects be developed that would add additional gauges to eliminate reliance on a single gauge.

Sincerely,

A handwritten signature in black ink that reads "Tom Merrifield".

Tom Merrifield, P.G.  
Advisor Hydrogeology

cc: Emily Gardner, Deputy General Manager, SVBGSA  
Ann Camel, Clerk of the Board, SVBGSA  
Derrick Williams, P.G., C.Hg., Montgomery & Associates