

# Appendix H. Comments Received



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VIA E-MAIL ([contactus@sjrecwa.net](mailto:contactus@sjrecwa.net))

December 12, 2019

Members of the San Joaquin River  
Exchange Contractors GSP Group  
c/o San Joaquin River Exchange  
Contractors Water Authority  
541 H Street  
Box 2115  
Los Banos, California 93635

Re: SJREC Group GSP

Dear Members of the San Joaquin River Exchange Contractors GSP Group:

The California Poultry Federation (“CPF”) appreciates the opportunity to comment on the draft Groundwater Sustainability Plan (the “GSP”) for the San Joaquin River Exchange Contractors (“SJREC”) GSP Group. CPF is the trade association for California’s diverse and dynamic poultry industry. Our members include growers, hatchers, breeders, and processors that work with chickens, turkeys, ducks, game birds, and squab. Water is essential for all of them—both for nutrition and for maintaining sanitary conditions. CPF therefore supports effective measures to assure reliable water supplies.

In this regard, CPF commends the draft GSP for emphasizing projects to increase recharge and utilize surface waters. Such measures—which are essential for maintaining an economically viable groundwater source for all beneficial users—should be the top priority for each SJREC GSP Member Groundwater Sustainability Agency (“GSA”). We encourage all the Member GSAs to continue identifying and implementing projects that increase water supplies. In addition, we recommend the adoption of incentives such as additional extraction rights to build support for augmentation from private parties.

One other point deserves mention. It is essential that the public have meaningful opportunities to participate in the implementation of the GSP, which means that there must be sufficient time to review drafts, evaluate supporting information, and submit written comments. But it was difficult here to ascertain when the draft GSP became available and when written comments were due. Member GSAs should employ electronic mail to give interested persons timely notice of developments in the Delta-Mendota Subbasin such as document availability and deadlines for participation. And they should utilize one central clearinghouse available through the Internet for disseminating documents and for receiving written comments.

Please contact me if you need any further information about these comments.

Very truly yours,

A handwritten signature in black ink that reads "Bill Mattos".

Bill Mattos  
President

**EXECUTIVE COMMITTEE MEMBERS AND OFFICERS**

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~~Charlton H. Newsom, Governor~~  
CHARLTON H. BONHAM, Director



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S.J.R.E.C.W.A.

December 9, 2019

Via Mail and Electronic Mail

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**Subject: Comments on the San Joaquin River Exchange Contractors Water Authority Groundwater Sustainability Plan**

Dear Mr. White:

The California Department of Fish and Wildlife (Department) Central Region is providing comments on the San Joaquin River Exchange Contractors (SJREC) Water Authority Draft Groundwater Sustainability Plan (GSP) prepared by San Joaquin River Exchange Contractors Water Authority Groundwater Sustainability Agency (GSA) pursuant to the Sustainable Groundwater Management Act (SGMA). As trustee agency for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species (Fish & Game Code §§ 711.7 and 1802).

Development and implementation of Groundwater Sustainability Plans under SGMA represents a new era of California groundwater management. The Department has an interest in the sustainable management of groundwater, as many sensitive ecosystems and species depend on groundwater and interconnected surface waters. SGMA and its implementing regulations afford ecosystems and species specific statutory and regulatory consideration, including the following as pertinent to Groundwater Sustainability Plans:

- Groundwater Sustainability Plans shall identify and consider impacts to groundwater dependent ecosystems (GDEs) pursuant to 23 California Code of Regulations (CCR) § 354.16(g) and Water Code § 10727.4(l);
- Groundwater Sustainability Agencies shall consider all beneficial uses and users of groundwater, including environmental users of groundwater pursuant to Water Code §10723.2 (e); and Groundwater Sustainability Plans shall identify and

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consider potential effects on all beneficial uses and users of groundwater pursuant to 23 CCR §§ 354.10(a), 354.26(b)(3), 354.28(b)(4), 354.34(b)(2), and 354.34(f)(3);

- Groundwater Sustainability Plans shall establish sustainable management criteria (SMC) that avoid undesirable results within 20 years of the applicable statutory deadline, including depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water pursuant to 23 CCR § 354.22 *et seq.* and Water Code §§ 10721(x)(6) and 10727.2(b) and describe monitoring networks that can identify adverse impacts to beneficial uses of interconnected surface waters pursuant to 23 CCR § 354.34(c)(6)(D); and
- Groundwater Sustainability Plans shall account for groundwater extraction for all Water Use Sectors including managed wetlands, managed recharge, and native vegetation pursuant to 23 CCR §§ 351(a) and 354.18(b)(3).

Accordingly, the Department values SGMA groundwater planning that carefully considers and protects groundwater dependent ecosystems and fish and wildlife beneficial uses and users of groundwater and interconnected surface waters.

## COMMENT OVERVIEW

The Department supports ecosystem preservation in compliance with SGMA and its implementing regulations based on Department expertise and best available information and science.

The Department recommends that the GSP provide additional information and analysis that considers all environmental beneficial uses and users of groundwater in its sustainability management criteria and better characterize or consider surface water-groundwater connectivity. In addition, the Department is providing additional comments and recommendations below.

## GSP COMMENTS AND RECOMMENDATIONS

1. **Comment #1 Plan Area.** Section 2.0 Plan Area and Basin Setting. Subsection 2.1.1 Description of Jurisdictional Areas and Other Features, Subsection 2.1.4 Additional GSP Elements (pages 27 to 28 and Figure 3).

This section mentions Department-owned lands within the Delta-Mendota Subbasin. There are four small parcels on Los Banos Wildlife Area and two additional parcels on Mud Slough Unit of the Los Banos Wildlife Area that are within the GSP area. None of these parcels have any wells present.

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- a. *Issue:* Pursuant to 23 CCR § 354.8 (a)(3), GSPs are to identify “Jurisdictional boundaries of federal or state land (including the identity of the agency with jurisdiction over that land).” The GSP states, “the California Department of Fish and Wildlife own[s] and operate[s] lands [including] California Protected Areas and Wildlife Areas” (page 27), but the GSP does not specify which lands fall within the GSP area.
- b. *Recommendation:* The Department recommends identifying the specific Department-owned and -managed lands in the GSP narrative as identified above. The Department further recommends the label in the Explanation Key be changed from “State Wildlife Areas” to “California Department of Fish and Wildlife”.

**2. Comment #2 Environmental Beneficial Users of Groundwater.** Section 2.1 Description of the Plan Area. Subsection 2.1.5 Notice and Communication (page 49).

The GSP lists environmental beneficial uses and users of groundwater in the basin but does not describe these users or their relationship to groundwater.

- a. *Issue:* Pursuant to 23 CCR § 354.10(a), GSPs are to include in the Notice and Communication Section a “description of the beneficial uses and users of groundwater in the basin.” The GSP identifies environmental uses among beneficial users and specifies GDEs and managed duck clubs as types of beneficial users (pages 46 and 49) but does not describe how environmental uses and users benefit from or rely on groundwater.
- b. *Recommendations:* The Department recommends elaborating on environmental beneficial uses and users of groundwater in the Notice and Communication Section by identifying specific beneficial users (see Appendix B, Table CC-7, page B133) and including a detailed description on how these users, such as GDEs and the species therein, may rely on groundwater and may be impacted by SMC pursuant to 23 CCR §§ 354.10(a), 354.26(b)(3), 354.28(b)(4), 354.34(b)(2), and 354.34(f)(3). The Critical Species LookBook (TNC 2019) is a resource to help identify threatened and endangered species in any basin subject to SGMA and to help understand species relationships to groundwater. The LookBook also offers narrative on species and habitat groundwater dependence that can be a model for describing environmental beneficial uses and users of groundwater in the GSP.

**3. Comment #3 Subsidence.** Chapter 2.0 Plan Area and Basin Setting. Section 2.2 Basin Setting (starting page 52). Proposed SMC for subsidence within the Plan area do not correspond with current or proposed groundwater extraction practices for the lower confined aquifer.

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a. *Issues:*

- i. CDWR has classified the Delta-Mendota Subbasin as a 'Critically Overdrafted' subbasin due to subsidence issues. The GSP acknowledges that land subsidence is a current issue within the Delta-Mendota Subbasin and that historically, up to 16 feet of subsidence has been reported in areas within its southern portion. While the GSP acknowledges the presence of subsidence within the basin, it also repeatedly indicates that the causes of subsidence originate outside of the GSP area due to excessive groundwater extraction practices within the lower confined aquifer system by neighboring entities (page 104). The GSP indicates that most of the wells within the GSP area are completed above the Corcoran Clay within the unconfined aquifer; however, the GSP also notes that there are some production wells within the GSP area completed below the Corcoran Clay where a majority of subsidence within the San Joaquin Valley occurs. The GSP proposes SMC for the subsidence sustainability indicator, including a Measurable Objective for inelastic land subsidence of less than 0.005 ft/year and a Minimum Threshold of "that which doesn't reduce [SJREC's] conveyance capacity without appropriate mitigation" (page 104). In other words, the GSP has no tolerance for subsidence without mitigation.
- ii. Based on the current and historic data sets for subsidence (NASA JPL InSAR and SJV CDWR), the SJREC GSA is experiencing subsidence due to groundwater extraction practices. The GSP acknowledges subsidence in the GSP area, but indicates a majority of land subsidence is attributed to the extraction of water in aquifers beneath the Corcoran Clay outside of plan area; however, the SJREC has wells completed in the lower confined aquifer and extracts water from the lower confined aquifer. The GSP approach to manage subsidence moving forward is to limit groundwater extractions to 0.25 acre-foot (AF)/acre (page 97). This proposed approach is more than double the amount of the maximum extraction (0.10 AF/acre) observed from historic, current, and projected water budgets. Presumably, the potential doubling of water extractions from the lower aquifer would compound existing over-draft conditions and contribute to continued subsidence. The GSP indicates that overdraft in the lower aquifer has the potential to instantly trigger inelastic land subsidence (page 97). The lower aquifer sustainable yield must be managed annually and, more importantly, site-specifically to ensure significant and/or unreasonable land subsidence does not result from the overdraft. As previously stated, the Delta-Mendota Subbasin is characterized by CDWR as 'Critically Overdrafted,' meaning "continuation of present water management practices [in the basin] would probably result in significant adverse overdraft-related environmental, social, or economic impacts" (CDWR "Critically Overdrafted"). Increasing the

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amount of allowable water to be extracted from the lower aquifer does not promote sustainability nor demonstrate a likelihood of achieving Measurable Objectives, and instead reflects the conditions that merited the subbasin's Critically Overdrafted status.

- iii. The GSP repeatedly indicates that the upper aquifer is stable and that subsidence within the upper aquifer is unlikely to occur. Within the Appendix I (KSDA Report), the report provides a description of the geologic materials encountered at depth and provides a number of geologic cross sections depicting the hydrogeologic framework beneath the GSP area. Within these cross sections, the GSP identifies a number of confining layers (A and C clay layers) above the Corcoran Clay. The GSP describes these clays as acting as semi-confining layers; and in one location (Management Area G), the GSP indicates that based on pumping test data, the aquifer is more than likely confined. These clay layers act as confining beds and restrict the movement of groundwater.

The lowering of groundwater levels within the upper aquifer provides the potential to create groundwater-level-induced stresses which can promote subsidence. Nearby records for an Extensometer station (Yearout) located in the Farmers Water District (east of the SJREC) indicates total compaction between the years of 1999 to 2017 at approximately 0.30 ft. Additional historic extensometer data for the Yearout Extensometer station is provided by the USGS online database ([https://www.usgs.gov/centers/ca-water-ls/science/extensometers-and-compaction?qt-science\\_center\\_objects=0#qt-science\\_center\\_objects](https://www.usgs.gov/centers/ca-water-ls/science/extensometers-and-compaction?qt-science_center_objects=0#qt-science_center_objects)). These records indicate that between the years of 1966 and 1983, approximately 0.30 feet of compaction in the upper aquifer was recorded. When pumping induces groundwater level drop below critical head, preconsolidation stresses are surpassed and compaction of fine-grained materials occur, resulting in subsidence. The GSP describes groundwater levels within the upper aquifer currently as being stable; however, compaction within the upper aquifer is a realistic potential for the GSP area and should be considered in future planning.

- b. *Recommendation:* The Department recommends that the SJREC re-evaluate its threshold for allowable groundwater extraction practices within the lower confined aquifer to mitigate subsidence-related undesirable results.

**4. Comment #4. Interconnected Surface Waters.** Section 2.2 Basin Setting. Subsection 2.2.2 Current and Historical Groundwater Conditions (page 53).

The GSP does not explicitly identify interconnected surface waters within the GSP area or estimate depletions from those systems.



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- a. *Issue:* Pursuant to 23 CCR § 354.16(f), a GSP shall identify “interconnected surface water systems within the basin and an estimate of the quantity and timing of depletions of those systems” within the Groundwater Sustainability Plan’s ‘Groundwater Conditions’ section. The GSP does not explicitly meet this requirement, despite the likely presence of interconnected surface water reaches along the San Joaquin River. The GSP cites Figure 52 in Appendix I as showing potential locations of interconnectivity and suggests that the Groundwater Sustainability Agencies will continue to monitor groundwater levels near the San Joaquin River and expand the understanding of shallow groundwater (page 106). However, the GSP does not identify interconnected surface waters as a data gap (page 112), despite its intent to expand understanding of shallow groundwater and despite the Delta-Mendota Subbasin Common Chapter demonstrating significant unknowns for San Joaquin River Interconnectivity (Appendix B, page B128-129). Finally, SMC for interconnected surface waters are non-specific for each management area, and instead refer to vague, unquantified narrative metrics that do not meet GSP regulatory requirements (see Comment #6).
- b. *Recommendations:* The Department recommends that the GSA identify interconnected surface waters in the Plan area in Section 2.2.2; characterize the relationship between groundwater and interconnected surface waters; identify the estimated quantity and timing of streamflow depletions in the subbasin attributable to groundwater pumping; and develop quantifiable SMC for interconnected surface waters accordingly. If this information is not available, the Department recommends identifying an expeditious and specific path to expanding the shallow groundwater monitoring system to gather the necessary data (see Comment #7).

**5. Comment #5 Groundwater Dependent Ecosystems.** Section 2.0 Plan Area and Basin Setting. Subsection 2.1.4 Additional GSP Elements (page 46, Figures 8 and 9).

The GDE identification section, pursuant to 23 CCR § 354.16 (g), is based on limited information to identify ecosystems that may depend on groundwater.

- a. *Issue:* The GSP does not provide a narrative on the methodology used to screen and remove potential GDEs from the Natural Communities Commonly Associated with Groundwater (NCCAG) dataset, even though Figures 8 and 9 suggest that potential NCCAG GDEs were removed from the dataset for specific reasons (pages 46-48). Also, the GDE maps provided in Figures 8 and 9 are difficult to decipher (pages 46-48). Presumably the GDEs included in the GSP correspond with Appendix B GDE maps on pages B130-B132, which identify basin-wide GDEs. If this is the case, the GDE maps provided in the GSP reflect an initial assessment of GDEs that may be further refined (Appendix B page B142), as none of the GDEs have been field verified (page



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46). The GDE section also includes a list of potential groundwater dependent vegetation, citing that none of the species are threatened or endangered, but it does not identify species that may rely on this groundwater dependent vegetation (see Appendix B starting page B133 for a list of potential Freshwater Species). Finally, the GSP offers that in the event the GSA notices impacts to GDEs, "an in-depth review to mitigate those impacts will be initiated" (page 46). The GSP, however, offers no details as to how impacts to GDEs will be 'noticed,' nor what those impacts might look like.

b. *Recommendations:* The Department recommends that the GSP consider the following for information gathering related to GDEs:

- i. The Department recommends refining the identification of GDEs through field verification, improving readability of GDE maps, identifying groundwater dependent fish and wildlife species in the basin, and identifying and implementing appropriate monitoring approaches to track environmental beneficial users over time capable of capturing early signs of adverse impacts to GDEs (e.g., stressed phreatophyte vegetation or increased surface water temperatures [see Comment #2]) to encourage actionable responses to observed impacts to GDEs.
- ii. Additionally, the Department recognizes that NCCAG (Klausmeyer et al. 2018) provided by California Department of Water Resources (CDWR) is a good starting reference for GDEs; however, the Department recommends the GSP include additional resources for evaluating GDE locations. The Department recommends consulting other references, including but not limited to the following tools and other resources: the California Department of Fish and Wildlife (CDFW) Vegetation Classification and Mapping Program (VegCAMP) (CDFW 2019A); the CDFW California Natural Diversity Database (CNDDDB) (2019B); the California Native Plant Society (CNPS) Manual of California Vegetation (CNPS 2019A); the CNPS California Protected Areas Database (CNPS 2019B); the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (2018); the USFWS online mapping tool for listed species critical habitat (2019); the U.S. Forest Service CALVEG ecological grouping classification and assessment system (2019); and other publications by Klausmeyer et al. (2019), Rohde et al. (2018), The Nature Conservancy (TNC) (2014, 2019), Naumburg et al. (2005), and Witham et al. (2014).

**6. Comment #6 Sustainable Management Criteria.** Section 3.0 Sustainable Management Criteria (starting on page 96).

SMC demonstrate limited consideration of undesirable results for environmental beneficial uses and users of groundwater, interconnected surface water SMC fail

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to meet GSP regulatory standards, and SMC do not reflect a 'Critically Overdrafted' Basin status.

a. *Issues:*

- i. SMC do not discuss potential impacts to environmental beneficial users of groundwater and may risk significant and unreasonable impacts to GDEs. There are no analyses on effects of undesirable results to environmental beneficial uses and users of groundwater pursuant to 23 CCR § 354.26(b)(3). For example, for chronic lowering of groundwater levels, the proposed measurable objective is to "manage to avoid shallow groundwater while maintaining groundwater levels above the minimum threshold" (page 97). While it is not clear what 'avoid shallow groundwater' means, in theory minimizing shallow groundwater depletions will benefit environmental beneficial uses and users of groundwater. However, the GSP does not provide this explanation via an analysis of effects of Undesirable Results (UR) on beneficial uses nor does the GSP offer an actionable basis for how SMC will be designed and implemented to mitigate these potential adverse effects.
- ii. Interconnected Surface Water (ISW) SMC are confusing and inconsistent. In the Executive Summary, the GSP does not propose to develop Measurable Objectives (MO) and Interim Milestones for ISW (page v), but later suggests that MO for ISW will equate to Minimum Thresholds (MT) (page 98) and depletions of surface water attributable to groundwater pumping will be managed through well siting and screening requirements for wells in close proximity to the San Joaquin River (page 106). ISW SMC for each management area (starting page 131) either dismiss the likelihood of interconnected surface waters and do not provide SMC for ISW, or; cite plans to work with SJREC to sustainably manage ISW and refer to Subsections 3.2.6, 3.3.6, and 3.4.6 for more details. These sections identify ISW MOs, MTs, and URs) respectively. However, each section fails to provide quantified, specific, and justified SMC that meet SMC criteria pursuant to 23 CCR §§ 354.20(b)(2), 354.26(b), 354.28(b), 354.28(c)(6), 354.30(a-c):
  1. [Subsection 3.2.6] ISW MOs are set as the same as MTs; interim milestones are to "collect and analyze additional data to ensure Undesirable Result for depleted surface water does not occur" (page 98). Effectively, no quantifiable interim milestones are provided and there is no room for operational flexibility when MOs equal MTs.
  2. [Subsection 3.3.6] ISW MTs are described as "the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to

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undesirable results” (page 106). The GSP also says the MTs established shall support the location, quantity, and timing of potential depletions. Despite this narrative on MTs, no quantified MTs are established for ISW in the GSP area. Instead, the GSP claims that a management technique for the siting and screening of new wells near the San Joaquin River will ensure that significant and unreasonable depletions of ISW are avoided, and this management technique will avoid impacts to GDEs and other beneficial uses and users of surface water (page 106). No hydrogeologic analysis is provided to substantiate this statement, and this management technique offers nothing to manage existing wells, nor does the management technique appear in the Project and Management Actions section (starting page 113). Finally, the GSP vaguely states, “Depletions of interconnected surface water will be monitored and managed consistent with the other sustainability indicators and the more restrictive management will be implemented to ensure this plan area is absent of any undesirable results” (page 106). There is no evident consistency between the monitoring and management of other sustainability indicators and ISW; and, because no specific MTs are established for ISW, resultantly, there are also no quantified MOs (see Comment #6.ii.1 above).

3. [Subsection 3.4.6] ISW URs are described as “significant and unreasonable depletion of interconnected surface water [occurring] when groundwater extraction from the SJREC GSP Group decreases streamflow to a significant and unreasonable level for beneficial users in a stretch of the San Joaquin River that was historically losing (seeping from the river)” (page 109). This UR description does not identify specific criteria based on a quantitative description of MT exceedances that cause significant and unreasonable effects [23 CCR § 354.26(b)(2)], nor does the description identify potential effects on beneficial uses and users in the basin [23 CCR § 354.26(b)(3)], in part because no quantified MTs are established. Inexplicably, this UR is also only applied to ‘historically losing’ streams, even though both losing streams and gaining streams can be interconnected with groundwater. Not only does the GSP *not* thoroughly identify ISW and depletions (see Comment #4), it also does not establish quantifiable ISW SMC that meet GSP regulatory standards and that reflect a firm grasp on local surface water-groundwater interactions.
- iii. The Delta-Mendota Subbasin is designated as ‘Critically Overdrafted,’ but in contrast to its designated Critically Overdrafted status, the GSP generally touts a sustainable groundwater management legacy and occasionally suggests that local adverse impacts are attributable to neighboring Groundwater Sustainability Agencies and basins (pages iv, v, 6, 40, 46, and 97). The GSP establishes MTs that are a 25% increase in

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depth to water beyond pre-established trigger elevations that represent three-year water level trends extrapolated to an additional drought year beyond the observed historic low (page 100, Table 39). Similar to ISW SMC, no interim milestones are provided for groundwater levels (page 100). No figures are provided to communicate clearly the relationship between historic groundwater elevation, triggers, and MTs for representative monitoring wells. Based on the narrative and table provided, these groundwater level MT suggest that groundwater elevations at representative wells can continue to decrease for the next 20 years, dropping further from historically low drought groundwater elevations, without witnessing undesirable results. However, based on subsidence alone, it appears that undesirable results are already occurring; and, given the semi- and unconfined nature of the upper aquifer, adverse impacts to shallow groundwater supporting GDEs are feasible under declining groundwater conditions. Therefore, the GSP's MTs that allow for continued groundwater table decline, mirroring the historical trends that led to the subbasin's Critically Overdrafted status, are unlikely to protect against URs. Conceptually, there is a disconnect between the subbasin's 'Critically Overdrafted' designation and sustainable management criteria the allow for continued groundwater level decline.

- b. *Recommendations:* The Department recommends that the GSA reevaluate SMC with the following suggestions:
- i. Clarify how species and habitat groundwater needs were considered in the identification of SMC and identify specific potential adverse impacts on environmental beneficial users of groundwater and causal relationships with groundwater pumping (e.g., terrestrial GDE stress/loss, increased instream temperatures, etc.).
  - ii. Identify ISW and establish quantifiable ISW SMC (see Comment #6).
  - iii. Revise SMC to reflect a 'Critically Overdrafted' subbasin designation by seeking to improve current groundwater conditions rather than allowing for continued aquifer depletions over the next two decades. Provide context for SMC using figures that show historic water elevations in comparison to MTs and MOs.
- 7. Comment #7 Monitoring Network.** Section 3.5 Monitoring Network (Figure 22). The number and distribution of shallow groundwater monitoring wells in the GSP area and along the San Joaquin River are insufficient for analysis of shallow groundwater trends and groundwater-surface water interconnectivity.

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- a. *Issue:* Existing shallow groundwater monitoring wells are insufficient to characterize shallow groundwater and surface water-groundwater interactions along the course of the main waterway (i.e., San Joaquin River) in the GSP area or to monitor impacts to environmental beneficial uses and users of shallow groundwater and interconnected surface waters [23 CCR § 354.34(2)]. The GSP provides a table in Appendix B: Estimated Quantity of Gains/Depletions for Interconnected Stream Reaches, San Joaquin River (Table CC-6); this table indicates the presence of data gaps and the need for additional data to clarify the interconnected surface water relationship within the GSP area along the San Joaquin River. Additionally, few representative monitoring wells capture shallow groundwater trends and few are located along interconnected surface waters throughout the GSP area. Therefore, there is limited data on shallow groundwater level trends as they relate to environmental users of groundwater. These data are critical to understanding groundwater management impacts on fish and wildlife beneficial uses and users of groundwater, including GDEs and interconnected surface water habitats, which are impacted disproportionately by shallow groundwater trends.
- b. *Recommendation:* The Department recommends installing additional shallow groundwater monitoring wells near potential GDEs in the basin and along interconnected surface waters, potentially pairing multiple-completion wells with streamflow gages for improved understanding of surface water-groundwater interconnectivity.

#### **OTHER COMMENTS: Implementation of Future Project Actions Related to SGMA**

SGMA exempts the preparation and adoption of GSPs from the California Environmental Quality Act (CEQA) (WC §10728.6); however, SGMA specifically states that implementation of project actions taken pursuant to SGMA are not exempt from CEQA (WC §10728.6). The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

The Department is also a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381), and the Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code for implementation of projects related to the GSP that are also subject to CEQA. These

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projects may be subject to the Department's lake and streambed alteration regulatory authority (i.e., Fish & G. Code, § 1600 *et seq.*). Notification pursuant to Fish and Game Code § 1602 is warranted if a project will (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); and/or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Likewise, to the extent that implementation of any project may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), related authorization as provided by the Fish and Game Code will be required. The Department is required to comply with CEQA in its issuance of a Lake or Streambed Alteration Agreement or an Incidental Take Permit.

The implementation of SGMA does not alter or determine surface or groundwater rights (WC §10720.5). It is the intent of SGMA to respect overlying and other proprietary rights to groundwater, consistent with section 1200 of the Water Code (Section 1(b)(4) of AB 1739). The capture of unallocated stream flows to artificially recharge groundwater aquifers are subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code § 1200 *et seq.* The Department, as Trustee Agency, is consulted by SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. The Department therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance and proper stewardship of those resources. The Department provides, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities.

## CONCLUSION

In conclusion, the GSP needs to address all SGMA statutes and regulations, and the Department recommends that the GSA seriously consider fish and wildlife beneficial uses and interconnected surface waters. The Department recommends that the GSA consider the above comments before the GSP is submitted to CDWR. The Department appreciates the opportunity to provide comments on the GSP. If you have any further questions, please contact Dr. Andrew Gordus, staff toxicologist, at [Andy.Gordus@wildlife.ca.gov](mailto:Andy.Gordus@wildlife.ca.gov) or (559) 243-4014 extension 239.

Sincerely,



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Regional Manager, Central Region

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Enclosures (Literature Cited)

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