



July 27, 2022

Paul Gosselin
Deputy Director for Sustainable Groundwater Management
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Sent Electronically

RE: Revisions to the 2020 Chowchilla Subbasin Groundwater Sustainability Plan

Dear Mr. Gosselin:

The Chowchilla Subbasin (Subbasin) and the four Groundwater Sustainability Agencies (GSAs) representing the Subbasin (Chowchilla Water District, County of Madera – Chowchilla, County of Merced – Chowchilla, and Triangle T Water District) submitted a Groundwater Sustainability Plan (GSP) to the California Department of Water Resources (DWR) in January 2020, which outlined a plan for achieving groundwater sustainability in the Subbasin by 2040, in accordance with the Sustainable Groundwater Management Act (SGMA). The GSP developed for the Subbasin and submitted in January 2020 was the result of extensive technical work and stakeholder engagement spanning over two years leading up to the submittal. During the GSP revision process in 2022, the GSAs conducted further public outreach through three public GSP Advisory Committee meetings, public GSA governing body meetings, and through public notices regarding the GSP revision process. The GSP submitted in January 2020 and the Revised GSP is the product of this process and reflects a balance of local interests across a very broad and diverse cross-section of stakeholders and beneficial users.

A key element included and described in the GSP is a Domestic Well Mitigation Program to mitigate undesirable results for domestic well users that are significantly and adversely impacted by groundwater level declines that may occur during the GSP implementation period while the GSAs implement other projects and management actions to achieve and maintain sustainability.

On November 18, 2021, the four GSAs received DWR's letter initiating consultation for the Chowchilla Subbasin GSP. The letter described the potential deficiencies identified by DWR that may preclude approval of the submitted GSP at this time and indicated the GSAs would have the opportunity to perform corrective actions to address the noted deficiencies within a 180-day period after the final DWR determination was released in January 2022. On January 24, 2022, the GSAs provided a written response to DWR's November 18, 2021 letter (please see attached). In the GSAs' January 24, 2022 correspondence, the GSAs outlined the potential deficiencies, summarized the progressive implementation actions taken by the GSAs since submission of the GSP in January 2020, reaffirmed their commitment to implementing the GSP, and further

their commitment to working cooperatively with DWR and to revising the GSP during the 180-day consultation period. As an update to the comprehensive summary of progressive implementation actions provided in the GSAs’ January 24, 2022 correspondence, it is important to note that a Proposition 218 approval effort that would have financed projects for the County of Madera – Chowchilla GSA to finance projects had a successful majority protest. At this time, funding for the County of Madera – Chowchilla GSA projects could be acquired through penalties, grants, and/or privately through grower efforts, but it is noted that a groundwater allocation is currently in effect that decreases water use over time.

On January 28, 2022, the four GSAs received DWR’s final incomplete determination (please see attached). As noted in DWR’s January 28, 2022 letter, the GSAs had 180 days, the maximum allowed by GSP Regulations, to address the identified deficiencies. A summary of the three GSP deficiencies identified in DWR’s January 28, 2022 letter is as follows:

1. The GSP lacks justification for, and effects associated with, the sustainable management criteria for groundwater levels (GWL), particularly the minimum thresholds and undesirable results, and the effects of those criteria on the interest of beneficial uses and users of groundwater.
2. The GSP lacks justification for, and effects associated with, the sustainable management criteria for land subsidence, particularly the minimum thresholds and undesirable results and the effects of those criteria on the interests of land surface beneficial uses and users in the Subbasin.
3. The GSAs do not sufficiently demonstrate that interconnected surface water (ISW) or undesirable results related to depletions of interconnected surface water are not present and are not likely to occur in the Subbasin.

Consistent with the GSAs’ commitment to work cooperatively with DWR regarding revisions to the GSP, the GSAs have met with DWR five (5) times from December 2021 through May 2022. Specific meeting dates and subjects for each of the meetings is as follows:

Chowchilla Subbasin - DWR Meeting Summary	
Meeting Date	Topic(s)
December 3, 2021	General considerations, progress update, deficiency review, and next steps
January 11, 2022	Representative monitoring sites and groundwater levels
February 10, 2022	Subsidence
March 16, 2022	Subsidence
May 13, 2022	Interconnected surface water

From the GSAs’ perspective, the meetings with DWR Staff were helpful in facilitating an open and transparent discussion about the deficiencies identified and the subsequent corrective actions necessary to allow DWR to approve the revised GSP for the Subbasin. The GSAs want to thank DWR for their cooperation and associated direction on each of the deficiencies. In all cases, the GSAs provided DWR with a detailed

agenda and/or questions ahead of time in an effort to solicit a meaningful and productive discussion (please see attached). A summary of the guidance provided is as shown below:

Overarching Comments:

1. Subbasin conditions can temporarily exceed Minimum Thresholds (MTs) on the way to achieving sustainable conditions, and will not immediately be considered a failure of the GSP as long as Projects and Management Actions are being implemented according to schedule and Interim Milestones (IMs) are being met.
2. IMs are intended to chart a path towards sustainability. IMs should be set to reflect conditions that are anticipated to occur during the GSP implementation period while the GSAs are implementing projects and management actions to achieve sustainable conditions. IMs may exceed MTs provided that the GSP demonstrates a plan for achieving sustainable conditions and avoiding Undesirable Results (URs) by 2040.
3. Annual reports are an important opportunity to explain and demonstrate progress towards implementation of the GSP, especially as it pertains to conditions relative to IMs and MTs.
4. The GSAs have opportunities to review the GSP and adjust Sustainable Management Criteria (SMC) through the GSP updates required to occur at least every five years.

Domestic Well Mitigation Program:

1. The Domestic Well Mitigation Program (Program) must be implemented.
 - a. Because the SMC were established with the understanding that URs are occurring/will occur for domestic well users, the acceptability of the GSP hinges on implementation of this Program to mitigate for the most vulnerable users.
 - b. By the end of the 180-day period, the GSAs must set clear intentions and have a specific plan and timeline for implementing this Program, e.g. having a fully executed Memorandum of Understanding (MOU) in place by the time the revised GSP is submitted.
2. It is ok for the GSAs to coordinate with the Safe and Affordable Funding for Equity and Resilience (SAFER) and/or other short-term programs, but the GSAs need to make sure that they have a plan to manage around those programs without relying on them for long-term mitigation.
 - a. Domestic well mitigation over the GSP implementation horizon should be more comprehensive and include lasting solutions to address domestic water needs beyond short-term mitigation programs.

Groundwater Levels:

1. Subbasin conditions can temporarily exceed MTs on the way to achieving sustainable conditions.
2. If GWL decline is occurring, the GSP must have an implementable plan to address those impacts.
 - a. Because the SMC were established with the understanding that URs are occurring/will occur for domestic well users, acceptability of the GSP hinges on implementation of the Domestic Well Mitigation Program (see above).
3. Provide more explanation of the Domestic Well Mitigation Program (Program) and rationale for setting SMC in coordination with that Program.
4. Need to clearly address/assess URs for municipal service wells, public supply wells, and agricultural wells.

Subsidence:

1. GSP should clarify the nexus between the MTs and URs in the Western Management Area (MA).
 - a. The more degrees of freedom you allow in defining URs (e.g., allowing 50% of your wells to drop below the MTs), the more burden there is on the GSAs to justify those definitions and explain how the GSP will sufficiently identify URs, if they occur.
 - b. Recommend using Statewide subsidence data to assess how different rates of subsidence are causing URs.
2. GSP should set formal SMC in the Eastern MA (even if they are considered “interim,” acknowledging data gaps and that these SMC will be revisited).
3. Modeling (during the 180-day consultation period) is not necessary to establish or support SMC.
4. The GSP should clearly define the type/location of critical infrastructure and analyze/explain the potential effects of subsidence on critical infrastructure.
5. The GSP should clearly analyze/explain the relationship between subsidence and the Corcoran clay layer, as relevant to the processes that were used to set the subsidence SMC.
6. The GSP should include additional descriptions of actions toward subsidence mitigation since GSP adoption (e.g., updates to the subsidence mitigation agreement executed by certain landowners in the Western MA).
7. DWR understands that data gaps exist. Creating the framework for subsequent detailed work plans that will collect more data to improve understanding of subsidence conditions would be helpful.

8. The GSP should provide some estimate of anticipated/expected residual and/or additional subsidence that may occur during the GSP implementation period.
9. Zero subsidence is not a realistic expectation; however, the GSP needs an assessment and narrative discussion of anticipated additional subsidence (whether that be considered “residual” or “renewed” and what that means for critical infrastructure).
10. SMC can be changed in the five-year GSP updates with justification from additional data collection and improved basin understanding.
11. The GSP can set different MTs for different portions of management areas depending on proximity to critical infrastructure, but it is important that those differences are described.
12. IMs are a way to account for subsidence expectations during the GSP implementation period (e.g., IMs reflect a declining rate of subsidence).
13. GSP regulations make no distinction between elastic and inelastic subsidence so both should be considered in setting SMC.
14. GWLs may be acceptable for use as proxy for subsidence with sufficient demonstration of the relationship between GWLs and subsidence.

Interconnected Surface Water:

1. Create the framework for a detailed work plan for filling ISW data gaps, including:
 - a. Additional locations for shallow monitoring wells.
 - b. River stage recorders paired with monitoring wells.
 - c. Incorporating Airborne Electromagnetic (AEM) data when available.
 - d. Thalweg surveys.
2. In terms of the temporal aspect of ISW, the historical percent of time a GW/SW connection exists (e.g., primarily during winter/spring of wet years) should not decrease in the future.
3. The GSP should analyze whether future groundwater management will deplete any possible connection, and whether Groundwater Dependent Ecosystems (GDEs) are affected.
4. If data gaps exist, note those and a preliminary timeline/schedule for filling those.
5. DWR recognizes the high uncertainty related to the ISW Sustainability Indicator (SI) as implied by regulations that indicate SWRCB will not intervene until 2025 for this SI.

Considering DWR’s direction as summarized above, the GSAs have worked diligently during the 180-Day revision period to make the necessary revisions to the GSP. In an effort to streamline DWR’s review of the Revised GSP as included herein, the GSAs have prepared a matrix (please see attached) that outlines each of the defined deficiencies, a general description of the deficiency, the corrective action taken in the Revised

GSP, where the deficiency was addressed in the Revised GSP, how the deficiency was addressed in the Revised GSP, and the corresponding direction from DWR that was relied upon for the revision.

As you will see, and consistent with your recommendations, one of the most prominent revisions to the GSP is the inclusion of a fully executed Domestic Well Mitigation Program MOU that very clearly articulates the foundational components of the Program in the Subbasin and further that the Program will be **funded and operational by January 1, 2023**. Another prominent revision to the GSP is development of a Subsidence Workplan. Protection of critical infrastructure, such as the Eastside Bypass and Sack Dam continue to be a priority. The GSAs will continue to enhance their subsidence monitoring and management that will be informed by additional information collected through completion of the activities set-forth in Subsidence Workplan. The Subsidence Workplan will include, but not be limited to recommendations and implementation plans for future subsidence monitoring, as well a review of existing groundwater pumping relative to the upper and lower aquifers. As is evidenced by the initial GSP, progressive action to implement the GSP since submission of the GSP in January 2020, and the subsequent revisions included in the Revised GSP, the GSAs in the Subbasin remain steadfast in their commitment to manage groundwater resources in a sustainable manner.

The GSAs in the Subbasin look forward to your timely review of the Revised GSP and should you have any questions or concerns, please feel free to contact me at (559) 479-6050.

Sincerely,

Douglas Welch
Chowchilla Subbasin Plan Manager

Enclosures: Copy of January 24, 2022 Letter to DWR
Copy of January 28, 2022 Letter from DWR
December 3, 2021 Meeting Agenda
January 11, 2022 Meeting Agenda
February 10, 2022 Meeting Agenda
March 16, 2022 Meeting Questions
May 13, 2022 Meeting Questions
Revised GSP Matrix
Revised GSP

cc: Administration Files
Madera County Board of Supervisors
Chowchilla Water District Board of Directors
Triangle T Water District Board of Directors
Merced County Board of Supervisors