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June 6, 2018

Karla Nemeth, Director
Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814
Email: Janiene.Friend@water.ca.gov

Re: Sacramento Central Groundwater Authority's (SCGA) "alternative plan" under SGMA

Dear Ms. Nemeth:

In a letter dated March 31, 2017 (attached), the Environmental Council of Sacramento (ECOS) - a broad coalition described in detail in that letter - filed a comment on the Sacramento Central Groundwater Authority's (SCGA) petition to be deemed an acceptable "alternative plan" under the Sustainable Groundwater Management Act (SGMA). The purpose of this letter is to reiterate our opposition to that petition and to urge the Department of Water Resources (DWR) again to find that SCGA is not in compliance with SGMA.

We offer the following observations:

1. Despite the abundant 2016-17 water year, which witnessed flows out of the Cosumnes watershed well above anything previously experienced within the historical record, SCGA's assessments demonstrate that groundwater levels continue to fall in the portions of the basin that most affect the important ecological resources of the lower Cosumnes watershed. SCGA, in its Annual Report to DWR, and elsewhere, devotes substantial effort to demonstrate that groundwater levels have improved within the basin. SCGA is correct in pointing out the positive influence of the Freeport conjunctive use project in raising groundwater levels under a portion of the urban area but fails to acknowledge the ecological cost of ongoing declines elsewhere. SCGA is in effect asking DWR to "look over here, not over there."
2. SCGA continues to make little effort to encourage or facilitate public engagement in its ongoing deliberations. It does no targeted outreach, apparently maintains no list of interested parties, and has a web site that is of very limited usefulness. Predictably, few in the public are aware of or involved in SCGA's board or committee meetings. For a recent major workshop on the financing of future SCGA operations (a milestone event in SCGA's Rate Study process), SCGA did no public outreach - not even providing a notice of the meeting on its own web site - and predictably saw little attendance beyond paid consultants and staff. Even SCGA board members are offered limited opportunity for engagement, with important SGMA-related documents (including the Annual Report, the SGMA support grant application, and the Alternative filing itself) not made available to board members in draft or outline form, but only after submittal to DWR. For our part, ECOS has in good faith asked to participate in SCGA deliberations pertinent to groundwater protection, but beyond email acknowledgment of our letters, there has been no

effort on the part of SCGA staff to even inform us about meetings, let alone engage with us in any of the above matters.

SGMA recognized the importance of broad stakeholder engagement to the development of sound and durable programs. SCGA needs to recognize that public engagement is a key component of SGMA compliance.

3. SCGA's focus on demonstrating that "everything's fine" and its commitment to defending and maintaining its passive approach to groundwater management have significant repercussions. In the Water Forum-assisted deliberations that led to the Alternative submittal, SCGA and the Water Forum identified a short list of pro-active "projects" designed to address unkept promises - programmatic commitments in SCGA's Groundwater Management Plan and elsewhere that had never been acted upon. Those promises remain largely unkept, with no movement to more closely define projects, identify funding sources, and commit to a timeline. In addition, the "everything's fine" culture of SCGA staff seems to be reflected in an "isolationist" posture that rebuffs overtures toward engagement in regional collaborative efforts.

SCGA staff have indicated to stakeholders and the board that if the Alternative is denied and SCGA is required to develop a Groundwater Sustainability Plan (GSP), SCGA will need to abandon for the time being any effort to initiate projects or programs that address ecosystem impacts or take advantage of opportunities to enhance recharge. We do not agree with that assessment. SCGA is currently reassessing its rate structure and could adjust its rates to account for costs of both plan preparation and projects/programs to which they have committed and to date ignored.

If SCGA were in fact doing anything substantial to proactively address these issues, or demonstrating that it was on track to do so, or taking steps to make its processes more accessible and transparent, we would have been inclined to reconsider our opposition to the Alternative. What we have observed in the past year only reinforces our belief that only full, formal compliance with SGMA and the development of a GSP with broad public engagement will bring the needed changes to SCGA.

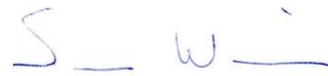
Sincerely,



Ralph Propper
ECOS President



Robert Burness
Co-Chair, Habitat 2020



Sean Wirth
Co-Chair, Habitat 2020

cc: Trevor Joseph, Sustainable Groundwater Mgmt Program Lead - Trevor.Joseph@water.ca.gov
Forrest Williams, SCGA Chair - Williams@saccounty.net
Darrell Eck, SCGA staff - eckd@saccounty.net
Don Nottoli, Sacramento County Supervisor, District 5 - nottolid@saccounty.net



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March 31, 2017

William Croyle
Acting Director
Department of Water Resources (DWR)
1416 9th Street Sacramento, CA 95814

Re: Sacramento Central Groundwater Authority (SCGA) South American Sub-basin Alternative Submittal Made Pursuant to Water Code Section 10733.6(b)(3), December 27, 2016

Mr. Croyle,

The Environmental Council of Sacramento (ECOS), a 501c3 organization, and Habitat 2020, the Conservation Committee of ECOS, are partner coalitions dedicated to protecting the natural resources of the greater Sacramento region. ECOS-Habitat 2020 member organizations include: 350 Sacramento, Breathe California of Sacramento-Emigrant Trails, International Dark-Sky Association, Los Rios College Federation of Teachers, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Preservation Sacramento, Resources for Independent Living, Sacramento Housing Alliance, Sacramento Natural Foods Co-op, Sacramento Vegetarian Society, SEIU Local 1000, Sierra Club Sacramento Group, The Green Democratic Club of Sacramento, and the Wellstone Progressive Democrats of Sacramento, Sacramento Audubon Society, California Native Plant Society, Friends of the Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Sacramento Group, Friends of Stone Lakes National Wildlife Refuge, and the Sacramento Area Creeks Council. ECOS is a signatory of the Water Forum Agreement, and a member of the Water Forum Environmental Caucus.

Introduction

This letter is to provide comment, and questions, regarding SCGA's proposal that its existing Groundwater Management Plan (GMP) be accepted as an adequate Alternative to developing a Groundwater Sustainability Plan (GSP) as required by the Sustainable Groundwater Management Act (SGMA).

Long-term sustainability of the Sacramento region's groundwater is of great concern to ECOS. The availability of water to meet the competing needs of habitat, agriculture and urban uses is an ongoing and increasingly acute issue in the Sacramento region, as it elsewhere in the state. The passage of SGMA provides an unprecedented and an extremely important opportunity to reevaluate the groundwater management in our region in light of significant change during the past decade. We are concerned the SCGA 2006 GMP does not adequately reflect or accommodate those changes, nor anticipate future changes actively being planned in the region, to a degree that meets the standard of the new law.

Presuming, for the moment, that these inadequacies are recognized, we are aware of ongoing debate as to whether development of a new GSP could address these concerns more effectively and in a more timely manner than would an Alternative committing SCGA to a “parallel path” to address these concerns leading up to the required 2022 five-year update (the same timeframe required for development of a GSP). ECOS does not have a definitive opinion about which route would be more effective. Our view is that in either case **these concerns must be addressed**.

That being said, ECOS is concerned that adoption of the Alternative would set a bad precedent for SGMA implementation in the region, signaling that the historic status quo for groundwater management is good enough. We believe it is not. ECOS support for the Alternative is contingent on explicit commitments to address inadequacies of the current plan in a public process in advance of the 2022 update. If such commitments are not included as part of Alternative acceptance and incorporated for DWR’s 2022 update review, then SGCA should be directed to develop a new GSP.

Specific Concerns

We want to acknowledge all of the concerns raised, and the strategies for addressing those concerns, through the Water Forum’s outreach process, as outlined in the *Sacramento Central Groundwater Authority Alternative Submittal for the South American Sub-basin Stakeholder Outreach Process, Summary Report* (November 23, 2016, Water Forum and the Consensus Building Institute). We believe all of these concerns warrant a process for addressing them, either in a “parallel path” for the Alternative, or for a new GSP.

We also share many of the explicit concerns outlined in the comments provided to DWR by the Cosumnes Coalition (February 27, 2017) including the lack of monitoring for important potential “Undesirable Results” and relevant trends, lack of implementation of key provisions of the SCGA GMP and the Memorandum of Agreement (MOA) entered into by the Sacramento County Water Agency (SCWA), The Nature Conservancy, and the Southeast Sacramento County Agricultural Water Authority to manage water and environmental resources along the Cosumnes River, and concerns over the adequacy of the presumed sustainable yield of 273,000 acre-feet, which we agree warrants review.

The Department of Water Resources’ Groundwater Sustainability Plan Emergency Regulations clearly require that an Alternative Plan applies to the entire basin (Section 352.8(a)). The southwest corner of the South American Sub-basin is not within the SCWA’s jurisdictional boundaries. The Submittal does cite an MOU between parties in this area and SCWA that acknowledges SCWA as the lead agency. This MOU was not fully executed at time of submittal. This does not constitute compliance with the regulation, and is grounds for DWR denial of the submittal. The Alternative, if it is to be accepted, must include a plan, developed with stakeholder input, to incorporate groundwater sustainability measures into the SCWA Groundwater Management Plan.

With respect to the sustainable yield, ECOS is concerned that the existing GWP does not adequately reflect, first, the cone of depression of the northeast portion of the basin around Aerojet, and more broadly, great changes in agricultural and urban land uses over the last decade, greatly increased growth projections in the Basin for the County, Elk Grove and other jurisdictions, and the potential effects of climate change.

First, to our knowledge the current GMP does not address the northeast area cone of depression due to the Aerojet's intensive groundwater contaminant remediation activities of the last decade. SCWA's Alternative submittal does acknowledge the cone of depression, but concludes that the decline is not "within the management control of SCGA or any SGMA-qualified local agency" (South American Sub-basin Alternative Submittal, Dec 14, 2016). A negotiated management plan for these ongoing activities is within the capability of SCWA and must be included in any responsible groundwater sustainability plan moving forward.

More importantly, it is not at all clear that the groundwater withdrawals associated with the Aerojet remediation program are included in the total 10-Year Extraction Operations offered by SCGA on page ES-4 of their Alternative Submittal. Although we have yet to pin down exact numbers, Aerojet processes about 28,750gpm of groundwater. Most, but not all, of this groundwater is discharged to the American River. Because the extraction wells are on line approximately 75% the time throughout the year, the AFY associated with the extraction operations is close to the gpm value (Alex McDonald, personal communication). Our understanding is that annual Aerojet pumping levels have been much the same for several years. If so, and if the SCGA extraction data submitted to DWR do not include Aerojet remedial pumping, then the total annual non-drought-year extractions have come very close to, or possibly exceeding, the 273,000 AFA sustainable yield limit without engendering any proactive effort on the part of SCGA.

We are also particularly concerned about the historic cone of depression around Elk Grove considering the great land use changes over the years. For example, land historically used for grazing has seen, and continues to see, very rapid conversion to vineyards in the south and east portions of the basin, a much more water-intensive use. Meanwhile, plans for conversion to urbanization are also rapidly proceeding in these areas of the basin. The Sacramento County General Plan Update adopted in 2011 has opened many thousands of acres of land for new development not anticipated in 2006. Much of this land is proposed to be supplied water from SCWA's Zone 40, but the General Plan clearly acknowledges a 4,913 Acre Feet Annual (AFA) shortfall of supply in Zone 40 at build-out of the plan:

As described in the Setting section, the current Zone 40 yield is 131,727 AFA. The water demand from the cities plus from the 1993 General Plan (equivalent to the Zone 40 Water Supply Master Plan) is 103,712 AFA, and the water demand from the cities plus the No Project is 109,922. Both of these amounts can be accommodated by current projected water yields. However, with the [General Plan Update] the demand increases to 136,640 AFA, which is approximately 4,913 AFA beyond projected supply and well beyond the amount planned for 2030 distribution in the Zone 40 Water Supply Master Plan. (2006 Sacramento County General Plan Update (2011), pg. 6-47).

In addition, there are currently three Sphere of Influence expansion applications for the City of Elk Grove; the largest, the 1,200 acre Kamerrer-99 proposal lies completely outside of the County's current Urban Services Boundary (which is the basis for assumed buildout in the Water Forum Agreement). The Local Agency Formation Commission's recent Municipal Services Review of this application finds that SCWA's Zone 40 would be the most likely provider of water for this area. (LAFCo K-99 MSR, January 27, 2017, pg. 18). But if Zone 40 does not have enough water for approved and planned development within unincorporated Sacramento County, how would

SCWA provide water for this area that had not previously been considered for development?

The basin's management plan should be a document that anticipates these current growth pressures—it should be a guiding document that informs these growth decisions, rather than merely adjusting to them retroactively.

Further, dropping groundwater levels in recent years along the Cosumnes River have been roundly recognized, but are argued by some to be only a temporary bi-product of the recent drought that do not rise to the level of an “Undesirable Result” under the law. If it is found by DWR that this cone of depression is not an Undesirable Result at this time, were it to continue, what then is the criteria through which this “temporary” effect of the drought would no longer be seen as temporary. When would this be deemed as a potential new normal due to changing climatic and land use conditions? To what extent is a GSP required to anticipate that potential reality?

Considering the greatly increased urban growth projections and current expansion plans referenced above in conjunction with the experience of the recent drought, we believe it is extremely important to question the hydrological presumptions that support the accepted Sustainable Yield of the GMP. We believe that full reliance on historical hydrological data is irresponsible considering the very viable possibility that the recent draught could more closely resemble future conditions than does the past. Planning to manage our ground water in a way that buffers ourselves from the impacts of that possibility should begin now.

Conclusion

Implementation of the Sustainable Groundwater Management Act is an extremely important opportunity for the Sacramento region, and determining the adequate plan of action of this first phase of the SGMA will be critical in setting the tone for long-range sustainable practice.

ECOS believes that the many legitimate concerns that have been raised with the current GWP must be addressed, and that a process to address these concerns should begin now, not in 2022. Moreover, it is vitally important that SGMA legislation stressed stakeholder input in the development of SGPs. The limited stakeholder involvement during the preparation of SCWA's Alternative Submittal suggests that there are several groundwater management concerns that remain unaddressed.

We request that your office not approve SCGA's Alternative Submittal until such time as it has put forward a plan with meaningful stakeholder input for proceeding along a “Parallel Path” that addresses the concerns raised during the Water Forum's stakeholder meetings, in our comments and in other comments to your department.

Again, without such a process, adoption of the Alternative would set a bad precedent for SGMA implementation in the region, signaling that the historic status quo for groundwater management is adequate--and we believe it is not. ECOS support for the Alternative is contingent on explicit commitments to address inadequacies of the current plan in a public process in advance of the 2022 update. We believe that it is within DWR's purview to withhold approval of the Alternative Submittal until SCGA responds to these concerns. Lacking that, DWR should not accept the Alternative Submittal.

*Under Department of Water Resources Emergency SGMA Regulations Sections 358.4(b) and 355.4(b)

Thank you for your consideration,

A handwritten signature in black ink that reads "Rob Burness". The signature is written in a cursive style and is placed on a light gray rectangular background.

Rob Burness, Co-Chair, Habitat 2020

A handwritten signature in black ink that reads "Brandon Rose". The signature is written in a cursive style.

Brandon Rose, President, ECOS

CC:

Darrell Eck, Executive Director, SCGA

Tom Gohring, Executive Director, Water Forum

Mike Eaton, Cosumnes Coalition