



ECOS

ENVIRONMENTAL
♦ COUNCIL ♦
OF SACRAMENTO

Post Office Box 1526 | Sacramento, CA 95812-1526

February 27, 2023

Karla Nemeth, Director (sent by email to karla.nemeth@water.ca.gov)
California Department of Water Resources
715 P Street, Sacramento, CA 95814

Subject: Lack of public participation and regulatory compliance in GSA implementation of the Annual Reporting requirements under Sustainable Groundwater Management Act (SGMA).

Dear Director Nemeth,

The combination of laws constituting the Sustainable Groundwater Management Act are codified in the California Government Code. Code Section 10727.8. Public Notification and Participation requires in part that: "The Groundwater Sustainability Agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan. The Environmental Council of Sacramento (ECOS), a consortium of local environmental and public interest organizations, has participated with the Groundwater Sustainability Agencies (GSA) responsible for the North American, South American, and Cosumnes Subbasins, in the development of Groundwater Sustainability Plans (GSP) for each subbasin. Department of Water Resources (DWR) records contain our comments on some of these GSPs. ECOS continues to monitor GSA activities to implement each GSP.

ECOS was frustrated during the 2021 Annual Report development and adoption process because the three local GSA groups provided very little time for public review and discussion of the annual report documents before they were adopted and submitted to DWR. We are cognizant of the fact that the short time frame between plan submittal and the first annual report due date may have contributed to the compressed public review process. However, during that process we were led to believe that more opportunity for public review would be provided in subsequent years. Unfortunately, there seems to be little or no opportunity for public review and input on the 2022 annual reports. This lack of public participation is counter to SGMA's clear intent for transparency in implementation.

Therefore, we request that DWR immediately issue guidance to GSAs regarding the need for public participation in the Annual Report process. Also, we request that DWR revise existing regulations concerning the annual report to require a suitable public review process. These reports are to provide critical data for analysis of basin conditions. It is important that the public understands the previous year's findings, and the next steps.

California Government Code Section 10728. Annual Reporting by Groundwater Sustainability Agency to Department requires in part that each GSA report annually by April 1, all of the following:

- (a) Groundwater elevation data
- (b) Annual aggregated data identifying groundwater extraction for the preceding water year
- (c) Surface water supply used or available for use for groundwater recharge or in-lieu use
- (d) Total water use
- (e) Change in groundwater storage.

DWR further clarified SGMA's annual reporting requirements in California Code of Regulations Title 23. Waters, Division 2, Chapter 1.5, Subchapter 2. Groundwater Sustainability Plans. Article 7, Section 356.2 Annual Reports. This Section provides more specific guidance regarding the content and display of the required data including the requirement for a graph depicting water year type, groundwater use, and annual change in groundwater in storage, and the cumulative change in groundwater in storage for the basin based on historical data to the greatest extent available, including from January 1, 2015, to the current reporting year.

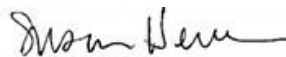
We are concerned that Annual Reports currently being developed may not be adequately developing the data and analysis needed to understand the current conditions of the subbasins and how trends may be impacting subbasin sustainability in the future. This is important for two reasons. First the region, as has California, experienced several years of severe drought and some monitoring wells in several subbasins are already in exceedance of management criteria. Second, the Sacramento region is in the process of updating the Water Forum Agreement and additional groundwater supplies may be needed to meet increasing demand and address the impacts of climate change.

It is incumbent on the GSAs to effectively carry out SGMA so that future regional water planning can be carried out with the best possible base line information and foresight on what future conditions may be. Therefore, we encourage DWR to release guidance to the GSA reminding them of the Annual Report requirements, the need for public review and participation, and indicating that DWR plans to reject reports that do not comply with the Department's regulations.

Sincerely,



Ted Rauh, Chair
ECOS Water Committee



Susan Herre, President
ECOS Board of Directors

Copies to:

Paul Gosselin, Deputy Director, Sustainable Groundwater Management, DWR, Paul.Gosselin@water.ca.gov
Jessica Law, Executive Director, Sacramento Water Forum, JLaw@waterforum.org

North American Subbasin

Reclamation District 1001 GSA; Michael Phillips, mphillips@rd1001.org
Sacramento Groundwater Authority GSA; Rob Swartz, rswartz@rwah2o.org
Sutter Water District GSA; Brad Arnold, sswd@hughes.net
Sutter County GSA; Guadalupe Rivera, grivera@co.sutter.ca.us
West Placer County GSA; Christina Hanson, chanson@placer.ca.gov

South American Subbasin

Sacramento County; Linda Dorn, dornl@sacounty.net
Northern Delta; Erik Ringelberg, erik@thefreshwatertrust.org
Omochumne-Hartnell Water District, Mike Wackman, info@ohwd.org
Sacramento Central Groundwtr Auth; John Woodling, jwoodling@geiconsultants.com
Sloughhouse Resource Conservation Dist; Austin Miller, austin@sloughhouseRCD.org

Cosumnes Subbasin

Omochumne-Hartnell Water District; Mike Wackman, info@ohwd.org
Sloughhouse Resource Conservation Dist; austin@sloughhouseRCD.org
Galt Irrigation District; Leo Van Warmerdam, galtirrigationdistrict@gmail.com
Clay Water District; Gary Silva Jr., soilstoppers@yahoo.com
City of Galt; Mark Clarkson, mclarkson@cityofgalt.org
Amador County Groundwater Mgmt Auth; Rick Ferriera, rferriera@amadorwater.org
Sacramento County; Linda Dorn, dornl@sacounty.net