

# Turlock Groundwater Basin Association

P.O. BOX 949, TURLOCK, CA 95381

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Public Comment  
2016 Bay-Delta Plan Amendment & SED  
Deadline: 3/17/17 12:00 noon



March 16, 2017

## MEMBER AGENCIES:

### URBAN

#### Cities:

Turlock

Hughson

Ceres

Modesto

Waterford

#### County WDs:

Hilmar

Delhi

#### Community SDs:

Denair

Keyes

### AGRICULTURAL

#### Water Districts:

Eastside

Ballico-Cortez

#### Irrigation Districts:

Merced

Turlock

### OTHER ENTITIES

#### Counties:

Stanislaus

Merced

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 "I" Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814-0100

*Sent Electronically*

**Re:** Comments to the "Recirculated Draft Substitute Environmental Document In Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay Sacramento San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality", dated September 2016

Dear Ms. Townsend:

The Turlock Groundwater Basin Association (TGBA) appreciates the opportunity to comment on the Recirculated Draft Substitute Environmental Document.

The TGBA is comprised of 15 member agencies including five cities, two county water districts, two community services districts, two water districts, two irrigation districts, and two counties. A complete listing is provided on the letterhead to the left. Since its inception in the 1990s, the TGBA has provided a forum for local agencies to work cooperatively toward effective, sustainable management of the water resources within the Turlock Subbasin.

The TGBA provides a sound basis and starting point for the increased groundwater management, sustainability, and coordination required under the Sustainable Groundwater Management Act (SGMA). As a first step, the local agencies have been actively coordinating the formation of two Groundwater Sustainability Agencies (GSAs), ensuring the entire basin is covered and avoiding unintended overlap. In addition, these same local water agencies, under the umbrella of the TGBA, have been actively designing a planning process to prepare the subbasin to complete a basinwide Groundwater Sustainability Plan (GSP).

The TGBA believes that the Substitute Environmental Document (SED) conflicts with SGMA in several areas. First, the SED doesn't adequately address impacts of the proposed Lower San Joaquin River (LSJR) alternatives on groundwater resources. The SED admits that the LSJR alternatives will "substantially deplete groundwater supplies or interfere substantially with groundwater recharge", something that will not be

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permitted under SGMA. As a result, the proposed project will jeopardize the ability for local water agencies to reliably provide safe, affordable water supplies.

Second, the SED does not utilize standard, readily available tools for its groundwater analysis. A variety of regional or local groundwater modeling tools are available and should have been used to quantitatively evaluate the impacts and demonstrate how reduced surface water deliveries will affect the subbasin. Because typical groundwater and surface water modeling tools were not used, the SED analysis includes broad averages and relies on the concept that the impacts “cannot be determined with certainty”.

Third, the State Water Resources Control Board (SWRCB) should have evaluated the impacts of the SED, combined with the requirements of SGMA. This analysis would have taken into consideration the existing overdraft within the Turlock Subbasin, and SGMA’s sustainability requirements. Instead, the SED ignores these issues and seems to consider SGMA a mitigation measure. The SED states that, “Mitigation to reduce significant impacts on groundwater resources could include the State Water Resources Control Board or local agencies exercising their various authorities over groundwater users, including authorities under SGMA.” (Draft Revised SED, Page 9-66) SGMA was not designed to mitigate for the SED. By treating SGMA as a mitigation measure, and not considering how the region could achieve “sustainability” along with the SED requirements the potential impacts are not fully evaluated or disclosed.

Fourth, the SED’s reliance on groundwater as the primary source of mitigation for the LSJR alternatives is unrealistic. Although the subbasin is not listed as critically overdrafted, it is well documented that the Turlock Subbasin is not without its challenges. Current groundwater conditions rely in large part on recharge of surface water imported from the Tuolumne River. Extensive conjunctive use and coordination within the Turlock Subbasin has proven successful and prevented it from being listed as critically overdrafted by the Department of Water Resources. Even with this recharge, a cone of depression has formed on the eastern side of the subbasin where groundwater is relied upon for supply. The SED proposes to significantly reduce surface water supplies, which will adversely impact the ability for the subbasin to achieve sustainability, and will make continuing to pump at existing levels even more of a challenge. The SED ignores this premise, and instead assumes that existing pumping can continue or increase to compensate for lost supplies. This defies logic and is contrary to SGMA’s sustainability requirements.

In addition to our general concerns described above, we also offer the following specific comments:

1. SGMA establishes clear definitions for what is considered “sustainable” and by doing so, establishes clear requirements that must be met to achieve sustainability. The SED is flawed

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in its approach to addressing SGMA. In lieu of evaluating the impacts of implementing the Water Quality Control Plan while also achieving the “sustainability” required by SGMA, the SED treats SGMA as a mitigation measure. SGMA was not developed to mitigate for the SED. By proposing SGMA as a mitigation measure, the SWRCB appears to shed its responsibility for mitigating the impacts of its project. Instead, it speculates that the same agencies that will be adversely impacted by the SED should also have to take measures to reduce the impacts to groundwater caused by the SED. In doing so, the SED reassigns responsibility for mitigating the State’s actions squarely upon the local agencies that are being adversely impacted by the project. This is clearly not the intent of SGMA or the CEQA process.

2. Although the SWRCB is correct in specifying that it is up to the local agencies to develop GSPs, and determine the best approach for achieving sustainability, the SWRCB is the regulatory backstop if the local efforts are unsuccessful. SWRCB staff in charge of the SGMA compliance process has been very clear in how the SWRCB backstop will function. If local efforts are unsuccessful, and management is deferred to the SWRCB, the SWRCB will not look for additional means to recharge the subbasin or other creative ways to comply with SGMA. Instead, the SWRCB will simply restrict groundwater use until sustainability is reached. The SED neglects to evaluate this worse-case scenario. If, as the SED implies, the SWRCB is hesitant in determining what additional recharge or other measures might be able to achieve sustainability, the SED must evaluate the SWRCB backstop implemented in combination with the proposed reductions in water supply under the SED. Without such an analysis, the SED fails to disclose and evaluate the full range of potential impacts.
3. The SED assumes varying levels of groundwater pumping, none of which has been verified against publicly available planning documents. The SWRCB should describe how the assumptions used in the SED with respect to groundwater pumping compare against publically available planning documents.
4. TGBA disagrees with the SED’s statement that “the best indication of the potential for groundwater impacts that may occur if surface water diversions are reduced in drought years is the percentage of the irrigated area that falls within the irrigation district service areas and usually relies on surface water.” (p. 9-19) The assumption neglects the fact that surface water supplies from the Tuolumne River are the main source of recharge within the subbasin. Reductions in surface water supplies will impact everyone in the subbasin.

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- a. Areas to the east of Turlock Irrigation District (TID), which rely entirely on groundwater for their supply, rely in part on the recharge occurring within TID. These impacts are not evaluated.
  - b. Public water systems, industries, and private domestic wells within the Turlock Subbasin rely solely on groundwater for their supply. The proposed SED will impact the ability for local recharge, which in turn impacts groundwater dependent water supplies. How does the SED analyze potential impacts to the groundwater pumpers that are solely dependent on groundwater?
5. The SED proposes recharge as a potential mitigation measure to offset some of the impacts from surface water supplies lost due to the SED. DWR recently released a draft report documenting water available for recharge for each subbasin. The report showed that a mere 10,000 AF per year might be available within the Turlock Subbasin. This is not nearly enough water to compensate for the proposed reductions in surface water supplies. The Turlock Subbasin is not connected to state or federal canal systems. Nearly all of the local resources to recharges the subbasin already, or helps to contribute to the instream flows of the Tuolumne, Merced or San Joaquin rivers. To be a viable mitigation measure, the SED needs to identify viable recharge alternatives rather than arbitrarily stating that water could be recharged. Without such an analysis, even at a programmatic level, the SED is misrepresentative by providing the false impression that replacement supplies for recharge are available.
6. The SWRCB should explain how the SED plans to incorporate DWR's recently released publication, "Guide to Best Management Practices for Sustainable Groundwater Management", December 2016. The SWRCB should review the report and revise the SED to be consistent with the rest of the state's planning approach to groundwater management and SGMA implementation efforts.

In conclusion, the TGBA through coordination of its member agencies has been managing groundwater in the Turlock Subbasin for over 20 years. The local agencies are in the last steps of forming GSAs and submitting the necessary information to demonstrate our intent to comply with SGMA requirements and manage groundwater at a local level. SGMA was developed under the premise that locals are best suited to manage their groundwater supplies. Implementing the Water Quality Control Plan as proposed will significantly impact the eastern side of the San Joaquin Valley. For reasons described above and as detailed in various comments submitted by members of the TGBA, the SED underestimates the impacts on the Turlock Subbasin and the San Joaquin Valley.

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The SED ignores the importance of the existing groundwater/surface water relationship based on conjunctive use, which has sustained Turlock and its neighboring subbasins. Substantially reducing the amount of surface water available for use locally will be devastating to not only the area served by these supplies, but also the subbasin and San Joaquin Valley region. The TGBA encourages the State Water Resources Control Board to withdraw the current SED and work with local agencies to develop effective, sustainable, and durable solutions to regional issues in the Sacramento-San Joaquin River Delta.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Liebersbach', written in a cursive style.

Debra C. Liebersbach, P.E.  
Chairperson, TGBA

cc: TGBA Member Agencies