

Public comment period for Draft GSP Emergency Regulations  
ends

April 1,  
2016

<http://www.water.ca.gov/groundwater/sgm/gsp.cfm>

Email with the subject “**Draft GSP Emergency Regulations Public Comment**”

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California Department of Water Resources

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### **Comment for Submission to DWR on Draft GSP Groundwater Sustainability Plans Emergency Regulations**

31 March 2016

Trevor Joseph commented in his Sustainable Groundwater Management Update: Groundwater Sustainability Plan Regulations that the Groundwater Sustainability Plan (GSP) regulations lay out the process in terms of how the Department will evaluate GSPs and alternatives, the implementation of those GSPs and alternatives, and coordination agreements.

The GSP has set requirements for high and medium priority basins: “*GSPs are required for all high and medium priority basins shown on the map in yellow and orange,*” he said. “*They need to be covered by GSPs in one of those three options shown at the bottom of the slide, or an adjudication, or an alternative plan.*”

The state water priority list that has already been published defines the priorities for different areas of the state.

[http://water.ca.gov/groundwater/casgem/pdfs/lists/StatewidePriority\\_Abridged\\_05262014.pdf](http://water.ca.gov/groundwater/casgem/pdfs/lists/StatewidePriority_Abridged_05262014.pdf)

**By what metric did the agency determined that some groundwater basin areas have a ranking of low and very low overall basin priority – areas like the Kern River Valley (basin number 5-25 in the chart at the link above)?**

We ask this question because water purveyors, ranchers, farmers, and commercial water companies have been drilling new or enlarging and deepening existing wells in the Kern River Valley to the detriment of the other residents of

the valley and California's largest willow/cottonwood riparian habitat, which is the habitat for 195 nesting avian species, including the listed Southwestern Willow Flycatcher (*Empidonax traillii extimus*), the Western Yellow-billed Cuckoo (western DPS) (*Coccyzus americanus*), and the Tricolored Blackbird, and stopover habitat for the spring migration of songbirds traveling from central America to the Arctic. The marshes and ponds of the South Fork Kern River also support sustaining populations of the sensitive alkali mariposa lily (*Calochortus striatus*) and the Northern Western Pond Turtle (*Actinemys marmorata*.)

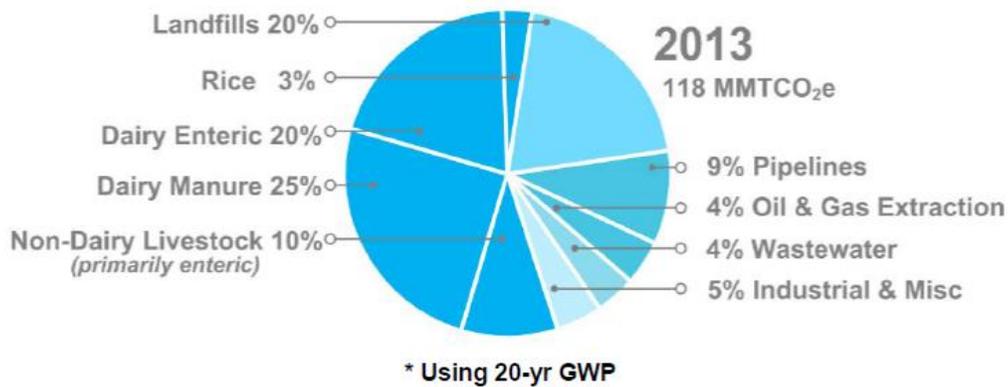
Over the past 30 years and until recently, groundwater in the South Fork Kern River Valley has fluctuated from 11 inches to 11 feet below the surface. Since the current drought, depth to groundwater levels have increased.

A significant amount of the groundwater in the Kern River Valley groundwater basin is being used to produce cattle feed and livestock that will produce methane (CH<sub>4</sub>), which is (according to the latest International Panel on Climate Change) 86 times more heat trapping than CO<sub>2</sub> over a twenty year period and is exacerbating climate change.

This use of out of sight out of mind groundwater will not be a benefit to California residents who are cutting back on water use and trying to do their part to reduce or stem the devastating effects of climate change already evident.

Livestock production is a significant contributor to global warming potential (GWP) due to methane production. The California Air Resources Board (CARB) reports that ten percent of the methane released to the atmosphere in California is from rancher's livestock. And 45 percent comes from California's dairies. So fully 55 percent of California's methane (pre-Aliso Canyon/Porter Ranch/SEMPRA gas leak disaster) is from livestock. (See pasted below Figure 5 page 39 of the CARB Draft 2015 report.) <http://www.arb.ca.gov/cc/shortlived/2015draft.pdf>

**Figure 5: California 2013 Methane Emission Sources\***



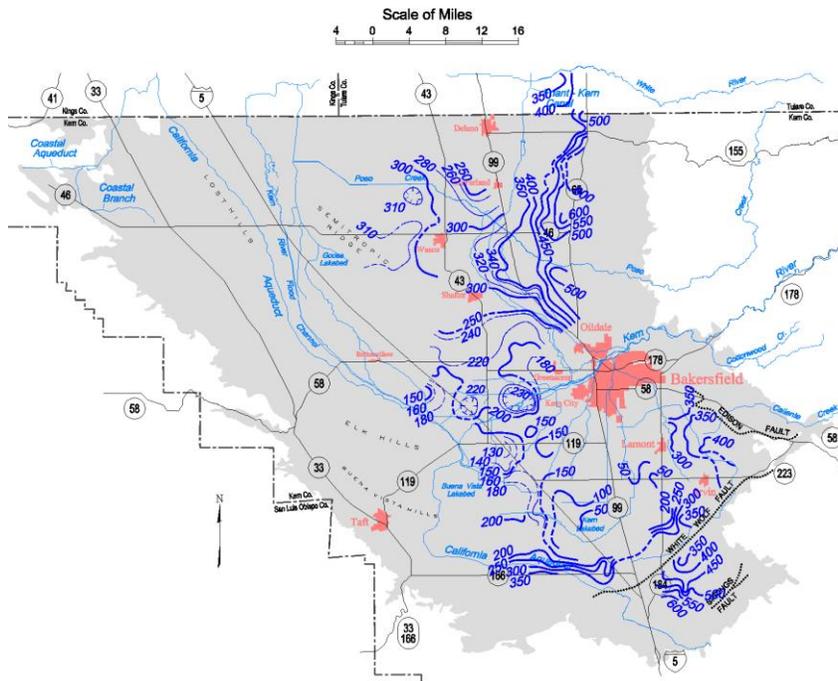
We are concerned because what little flow remains in the South Fork Kern River and the groundwater in the Kern River Valley is diverted mostly for the benefit of agricultural businesses in the Kern River and San Joaquin Valleys and is also being used for steam injection and fracking of oil wells. Currently most of this water is being diverted to maintain agriculture uses, at their pre-drought levels when the rivers provided sufficient water for agriculture and other uses, and we suspect that the groundwater aquifer in the Kern River Valley will be exhausted before the state gets around to considering the impacts of these surface water diversions and groundwater consumptions before the resources in the Kern River Valley and the global environment are irrevocably damaged.

It appears that, by establishing a “very low priority” for the Kern River Valley, the DWR is ignoring the impacts of its actions in order to continue business as usual agricultural profits for water purveyors at the expense of the environment and other citizens.

As demonstrated by the maps of groundwater resources, we find no evidence that the Kern River Valley aquifers are being mapped as the San Joaquin Valley aquifers have been. Without a method to document these resources, the low priority areas may experience the same plight as the communities in the Porterville area of Tulare County.

# Kern Groundwater Basin

Spring 2010, Lines of Equal Depth to  
Water in Wells, Unconfined Aquifer



Contours are dashed where inferred. Contour interval is 10, 20 and 50 feet.

**Are there any requirements being established for low and very low priority groundwater basins that will require groundwater storage and recovery and especially the recovery of the Kern River Valley basin's previously high groundwater levels?**

The lack of natural groundwater recharged in the San Joaquin Valley has been exacerbated by creating dams in the mountains, impounding water behind those upland dams, and allowing water agencies to starve valley recharge basins of water and subsequently all habitat value. California has many dams and reservoirs that prevent natural groundwater recharge

[https://en.wikipedia.org/wiki/List\\_of\\_dams\\_and\\_reservoirs\\_in\\_California](https://en.wikipedia.org/wiki/List_of_dams_and_reservoirs_in_California). We want a sustainable water future for California that includes responsible surface and groundwater use to benefit all citizens and wildlife, not just select corporations.

A comprehensive evaluation of appropriative water rights indicates that California's State Water Resources Control Board and its predecessors have allocated more than five times as much water as is available.

<http://iopscience.iop.org/article/10.1088/1748-9326/9/8/084012>. We've allowed our groundwater to be depleted and degraded for far too long.

Groundwater information and management hasn't included public approval or been held to benefit the public trust.

When drafting Groundwater Sustainability Plan regulations, we urge you to:

- (1) require ample opportunities for the public to participate throughout the planning process and require that a vote in favor of the plan by a majority of the general population is mandatory before the plan is approved,
- (2) regardless of ownership, consider the public trust doctrine where water resources are a right of the many not a privilege to be held by the few,
- (3) require strict monitoring of ground water resources especially where large bore wellheads have been recently drilled,
- (4) require local water agencies to set objectives that actually and quickly improve groundwater levels, lead to sustainable groundwater use, and stop current groundwater abuses that reduce groundwater levels and cause subsidence,
- (5) strictly evaluate those plans, with incorporation of public comment, so that we stop the damage done to our aquifers,
- (6) require water agencies to fill and recharge natural lakes and marshes instead of impounding all water behind mountain dams during periods of heavy precipitation and allow water resources to become groundwater in the public trust, and
- (7) require and make sure that any member of a local agency developing a groundwater management plan who is financially benefiting from any segment of the plan being developed, or being paid to approve any segment of the plan being developed, acknowledges which segment or segments of the plan will profit that member or member's family, so the public is informed of any decisions by the agency that may not equally benefit the general population.

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