RAYMOND BASIN MANAGEMENT BOARD

March 31, 2016

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California Department of Water Resources
Ms. Lauren Bisnett
P.O. Box 942836
Sacramento, CA 94236

RE: Draft Groundwater Sustainability Plan Emergency Regulations

Dear Ms. Bisnett,

The Raymond Basin Management Board (RBMB) is in receipt of the California Department of Water Resources' (DWR) Draft Groundwater Sustainability Plan (GSP). RBMB appreciates the opportunity to provide its comments and concerns regarding the components of this plan. RBMB is involved with the protection and preservation of surface and groundwater quantity and quality in the Raymond Basin, and our primary goal is to manage and protect this precious resource.

Although we manage our basin within the structure of a court-administered adjudication, we feel strongly that the foundation being laid through the implementation of the Sustainable Groundwater Management Act (SGMA) will reflect on the future of groundwater management in California. We know, from firsthand experience, that the key to sustained success is well-structured local control and management. RBMB believes that the draft regulations are too expansive, overly prescriptive, and would likely result in burdensome and unnecessary costs for local Groundwater Sustainability Agencies (GSAs).

We recognize the hard work that DWR staff has put into this effort and respectfully submit the following general comments:

- The concept of "substantial compliance" proposed by DWR in the regulations, as they are written the requirements, are onerous and may prove to be unworkable or redundant depending on the unique characteristics of each basin.
- The draft regulations include overly prescriptive requirements, such as requiring the exclusive use of DWR water budget data and other requirements that would render existing groundwater management data sources no longer acceptable.
- The draft regulations create requirements that go far beyond what was envisioned in the Sustainable Groundwater Management Act. DWR should clearly identify the purpose and need for any element of GSP content that exceeds the strict reading of the statute.
- The draft regulations should clarify that DWR's evaluation and approval will be solely based on meeting locally-driven sustainability criteria, as opposed to DWR's preferred criteria.

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- The draft regulations should be uniformly revised to generally defer to the judgment and expertise of the local GSA. DWR should only apply more stringent and prescriptive requirements when a GSA has not demonstrated good faith efforts.
- SGMA does not require or suggest DWR involvement in determining or remedying whether a GSP adversely affects an adjacent basin. The draft regulations need to conform to a statutory framework that defers resolution of "adverse effect" between basins to the responsible GSAs.
- The regulation requires best management practices (BMPs) developed by DWR or equivalents developed locally in the GSPs. The statute was very clear that BMPs were not intended to be imposed as regulatory standards, but rather as alternative methods to be selected and used at the discretion of the GSAs.
- The regulations go beyond the statute in the area of groundwater quality, suggesting, for example, that GSAs would have to evaluate the impacts of future land uses on groundwater quality.

While the draft regulations are a very comprehensive starting point for public comment, they must be pruned back considerably to provide a realistic basis for GSAs to move forward in pursuing sustainability.

Again, the draft regulations should clarify that DWR's evaluation and approval will be solely based on meeting locally-driven sustainability criteria, as opposed to DWR's preferred criteria. The draft regulations should be uniformly revised to generally defer to the judgment and expertise of local GSA. GSAs will rely on local geologists, engineers, scientists, and stakeholders to develop GSPs and alternative plans to demonstrate sustainability. DWR should show trust in local agencies by applying more stringent and prescriptive requirements only when a GSA has not demonstrated good faith efforts.

Please contact my office at (626) 815-1300 should you have any questions.

Sincerely,

Anthony C. Zampiello

Executive Officer
Raymond Basin Management Board

TZ:dmd