



**Sequoia Riverlands Trust**  
Conserving California's Heartland

March 30, 2016

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

**Re: Public Comment on Draft Groundwater Sustainability Plan Emergency Regulations**

Dear Ms. Bisnett,

I am writing on behalf of Sequoia Riverlands Trust (SRT), an accredited, regional land trust that conserves habitat and farmland in the Southern Sierra and Southern San Joaquin Valley, to comment on the Draft Groundwater Sustainability Plan Emergency Regulations (“Draft GSP Regulations”) prepared by the Department of Water Resources (DWR). As documented in the Southern Sierra Partnership’s *Framework for Cooperative Conservation and Climate Adaptation for the Southern Sierra Nevada and Tehachapi Mountains*, our region includes natural and working lands that can contribute significantly to groundwater recharge.<sup>1</sup> But as DWR has found, most groundwater basins in the San Joaquin Valley are critically overdrafted.<sup>2</sup>

In these circumstances, we are grateful that DWR is moving to implement the Sustainable Groundwater Management Act (SGMA), and we appreciate the opportunity to comment on the Draft GSP Regulations. We would respectfully suggest three changes to make SGMA implementation more effective:

1) EXPLICITLY INCORPORATE THE PRECAUTIONARY PRINCIPLE

In the San Joaquin Valley, there is limited data available for some basins and subbasins, and the consequences of unsustainable management—such as subsidence due to overpumping—are potentially irreversible. Where uncertainty is high and undesirable outcomes long-lasting, management approaches should err toward the conservative. We therefore recommend that the regulations incorporate the following requirement: “Plans shall apply the precautionary principle,

---

<sup>1</sup> Southern Sierra Partnership. 2010. *Framework for Cooperative Conservation and Climate Adaptation for the Southern Sierra Nevada and Tehachapi Mountains*. Retrieved from <http://www.southernsierrapartnership.org/ssp-framework.html>.

<sup>2</sup> California Department of Water Resources. 2016. Critically Overdrafted Groundwater Basins — January 2016—North Central and South Central Regions. Retrieved from [http://www.water.ca.gov/groundwater/sgm/pdfs/GW\\_basinsCriticalOverdraft\\_SCentralRegion.pdf](http://www.water.ca.gov/groundwater/sgm/pdfs/GW_basinsCriticalOverdraft_SCentralRegion.pdf).

increasing the level of precaution and conservatism in proportion with the degree of uncertainty of information or data and the extent to which impacts could be irreversible.”

2) REQUIRE FULL COMPLIANCE, NOT “SUBSTANTIAL COMPLIANCE”

The draft regulations state that GSPs are to be evaluated based in part on “substantial compliance” with DWR regulations.<sup>3</sup> This is a more subjective standard than “compliance,” and may give Groundwater Sustainability Agencies (GSAs) the impression that they can pick and choose which regulations to follow. It is also unnecessary, because DWR already has the authority to exercise its judgment as to whether each GSP is likely to achieve the sustainability goal.<sup>4</sup> For these reasons, we respectfully recommend that the regulations require full compliance, not “substantial compliance.”

3) FOR CRITICALLY OVERDRAFTED GROUNDWATER BASINS, REQUIRE THAT GSPS IDENTIFY AND FRONT-LOAD STEPS TOWARD SUSTAINABILITY

SGMA does not require that groundwater basins achieve sustainability until 2040, and it allows GSAs to request up to two five-year extensions.<sup>5</sup> But much of the San Joaquin Valley is in critical overdraft status now.<sup>6</sup> Without significant, near-term steps toward sustainability, our region may have little groundwater left to manage by 2040. For this reason, we respectfully recommend that the regulations require GSPs for basins in critical overdraft status to 1) identify significant steps that can be taken toward sustainability in the near term, and 2) front-load these steps in the first five years of implementation.

We appreciate your work on the Draft GSP Regulations and are grateful for the opportunity to comment.

Sincerely,



Soapy Mulholland  
President and CEO  
Sequoia Riverlands Trust

---

<sup>3</sup> Draft GSP Regulations, § 355.4.

<sup>4</sup> California Water Code § 10733(a).

<sup>5</sup> California Water Code §§ 10727.2(b)(1)-(3).

<sup>6</sup> DWR, 2016.