

December 22, 2017

California Department of Water Resources
Attn: Lauren Hersh
P.O. Box 942836
Sacramento, CA 94236-0001

Subject: Comments on the Draft Sustainable Management Criteria BMP (BMP)

Dear Ms. Hersh:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to provide comments on the Draft Sustainable Management Criteria BMP. EBMUD is an exclusive GSA for a portion of the medium priority East Bay Plain Subbasin (Basin No. 2-009.04). On November 6, 2017, EBMUD filed a notification of intent to develop a single GSP for the entire Subbasin in collaboration with the City of Hayward, an exclusive GSA for the remaining portion. The Subbasin is bound by the Hayward Fault zone in the east and the San Francisco Bay in the north and the west. In the south, it is located adjacent to the Niles Cone Subbasin (Basin No. 2-009.01).

We appreciate the fact that the draft BMP recognizes setting sustainable management criteria will likely be an iterative process and initial criteria may need to be adjusted to address potential effects on the beneficial uses and users of groundwater, land uses, and property interests. We would also like to offer modifications and point out the need for clarification to make the BMP more practical and implementable for local basins. The following are our specific comments and suggestions for the BMP sections:

1. Minimum Thresholds

The BMP states, “Minimum thresholds should be set at levels that do not impede adjacent basins from meeting their minimum thresholds or sustainability goals.”

The practical result of this language is to provide essentially a veto authority for an adjacent basin over a neighbor. As a result the adjacent basins would each have to set minimum thresholds according to the most conservative neighbor. A more appropriate approach would be that neighboring thresholds are not in conflict. Coordination and new data would provide an opportunity for better alignment at each scheduled GSP update. Thresholds can be modified iteratively over the 20-year planning horizon to achieve sustainability goals per SGMA. In doing so, the BMP should acknowledge that setting thresholds must not infringe upon groundwater rights and interests of in-basin beneficial uses.

We offer the following modification: “Minimum thresholds should be set in coordination with neighboring basins such that minimum thresholds are not in conflict over the 20-year planning horizon.

2. Required Minimum Threshold Metrics for Each Sustainability Indicator

The draft states, “The minimum threshold metric for depletion of interconnected surface waters shall be a rate or volume of surface water depletion.” Surface water depletion can be caused by numerous artificial and natural causes. The BMP should clarify that the referenced depletion is caused by groundwater extraction.

We suggest modifying as follows: “The minimum threshold metric for depletion of interconnected surface waters directly caused by groundwater extraction shall be a rate or volume of surface water depletion.”

3. Chronic Lowering of Groundwater Level Minimum Threshold

The second to last bullet point under this section posts a question about changing groundwater levels on the groundwater dependent ecosystems (GDEs). However, DWR has yet to define GDEs and no official guidance or tools are available.

DWR should define GDEs in relation to GSPs and provide guidance and/or assessment tools for GDEs.

4. SGMA Benchmark Date in Figures

Starting from Figure 3 of the BMP, 2015 is denoted as the SGMA Benchmark. This could be construed as suggesting that GSAs must use basin conditions at January 1, 2015 as the bench mark or baseline to develop SGMA criteria for the 20 year planning horizon. We recognize that for critically overdrafted basins, where water levels or storage are declining over time, the 2015 date is the reasonable benchmark to start sustainable management. However, this is not universally applicable for all basins in the state. For example, the East Bay Plain subbasin had its lowest storage and water levels in the 1960s and has recovered from its lowest to current favorable storage conditions since then.

CCR Title 23 § 351 defines that “Baseline” or “Baseline conditions” refer to historic information used to project future conditions for hydrology, water demand, and availability of surface water and to evaluate potential sustainable management practices of a basin. In addition, § 354.16 requires a GSP to provide a description of current and historical groundwater conditions in the basin, including data from January 1, 2015. Neither SGMA nor the GSP regulations refer to January 1, 2015 as the benchmark date. It is understood that 20 years planning horizon starts from Jan 1 2015. However, the baseline does not have to coincide with that date necessarily.

Therefore, the benchmark date or baseline condition should not be defined as a specific date (January 1, 2015) as the best management practice. GSAs should be able to define the most appropriate baseline or benchmark for their basin based on historic information and understanding of their basin.

The figures denoting “SGMA Benchmark Date” should be revised to read “SGMA Benchmark Date (example).”

5. MEASURABLE OBJECTIVES

We appreciate that DWR recognizes and discusses the margin of operational flexibility under the measurable objectives section. The operational flexibility is necessary to manage a groundwater basin sustainably over the planning horizon. However, the BMP language reads “.....there is a reasonable margin of operational flexibility (Figure 14) between the minimum threshold and measurable objective....” Figure 14 also graphically depicts the margin of operational flexibility between minimum threshold and measurable objective.

In reality, while implementing management actions to sustainably manage the basins, it could be necessary to draw down the groundwater level below minimum threshold during the planning horizon to meet drought supply needs before recovering and meeting measurable objective by the end of the 20 year period following GSP submission. The BMP describes this likely scenario under its “The Path to Sustainable Groundwater Management” discussion. Path B, shown as a part of Figure 15, shows basin groundwater levels dipping below minimum threshold before recovering.

We suggest revising the text to “.....there is a reasonable margin of operational flexibility (Figure 14) likely between the minimum threshold and measurable objective....”

The Margin of Operational Flexibility denotation in the figure should be revised to read – Sample Margin of Operational Flexibility.

EBMUD appreciates the opportunity to provide these comments. If you have any questions, please contact Alice Towey at (510) 287-1105 or alice.towey@ebmud.com.

Sincerely,



Michael T. Tognolini
Manager of Water Supply Improvements