

October 26, 2021

Western Management Area GSA
c/o William Buelow
Santa Ynez River Water Conservation District
3669 Sagunto Street, Suite 101
Santa Ynez, CA 93460

Re: Western Management Area draft GSP Comments

Dear Directors and Staff:

The purpose of this letter is to provide the Western Management Area Groundwater Sustainability Agency (GSA) with the comments of the Santa Ynez Water Group to the GSA's draft groundwater sustainability plan (GSP).

Enclosed with this letter is a memorandum prepared by our consultant, Bondy Groundwater Consulting, Inc., focusing on the technical issues and concerns identified during their review of the GSP. In addition to those comments, we add the following.

As previously expressed to the GSA, a primary concern of our members continues to be the GSA's failure to adequately consider the interests of agricultural landowners holding overlying groundwater rights and the effects of the GSA's actions on those landowners. This is evident in the draft GSP's failure to quantify, much less even identify, conditions of overdraft within the Subbasin as required by SGMA. (Cal. Code Regs., tit. 23, § 354.18.) In fact, the draft GSP avoids use of the term "overdraft" entirely and instead relies on synonyms such as "water supply deficiency" and "storage declines," among others. Whether or not overdraft is present within the Subbasin is crucial information to overlying water right holders that must be included in the GSP.

Additionally, the GSA's proposed projects and management actions and associated financing structure is problematic. For example, the draft GSP anticipates a 22 percent increase in groundwater pumping by municipal entities within the Western Management Area holding appropriate groundwater rights. (Draft GSP, Table 2c.4-2.) The draft GSP goes on to provide that projects or management actions may be implemented in response to these projected increases in demand. (Draft GSP, Section 4A.1.) However, throughout Section 4A.1, the draft GSP suggests that the costs associated with these projects and management actions will be borne by *all* groundwater users. Consequently, the GSA is requiring agricultural landowners holding senior overlying groundwater rights to pay for the increased pumping of groundwater users holding junior appropriate groundwater rights. This approach is neither equitable nor reflective of groundwater law.

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While these are only few examples of our members' concerns, several others are identified in the enclosed memorandum.

We appreciate the significance of the considerations and decisions the GSA must undertake, and we look forward to working with you further regarding these matters. Please feel free to contact us if you have any questions or wish to discuss any of our comments.

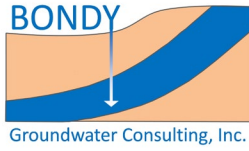
Very truly yours,



Joseph D. Hughes

JDH/sbh

Enclosure



MEMORANDUM

To: Joe Hughes / KDG

From: Bryan Bondy / BGC *BB*

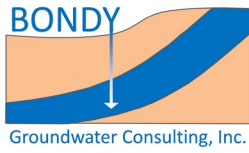
CC: Doug Circle, SYWG

Date: October 25, 2021

Re: WMA Draft GSP Review

Pursuant to your request, this memorandum presents the material findings from my review of the Draft Groundwater Sustainability Plan (GSP) for the Western Management Area of the Santa Ynez River Valley Groundwater Basin (WMA). Please note that my review focused on the key GSP elements only; not all GSP aspects were reviewed in detail.

- Water Budgets:
 - The GSP water budgets indicate a “water supply deficiency”, “deficit”, “net deficit”, “storage decline”, or “storage loss” under historical and projected future conditions. Despite the specific requirement to identify and quantify overdraft conditions, (GSP Emergency Regulations §354.18(5)), the GSP does not explicitly indicate whether an overdraft condition exists because of the how the above-listed terms are used in the text, apparently in place of “overdraft.” It is requested that the GSP clearly state whether overdraft conditions existed over a period of years during which water year and water supply conditions approximate average conditions and, if so, quantify the overdraft.
 - Table 2c.4-2 presents a projected 22% increase in pumping by WMA municipal entities, which are appropriators whose groundwater rights are junior to that of the overlying landowners. The draft GSP states that projects or management actions will be implemented by the GSA to address increased demands. Based on text in Section 4a.2-2, it is anticipated that the costs for these projects or management actions would be paid for by all WMA groundwater users. The SYWG believes it would be more appropriate for the costs for any projects or management actions to address increased pumping by the appropriators be paid for by the appropriators instead of forcing the senior water rights holders to subsidize the junior water rights increased demands on the Basin.

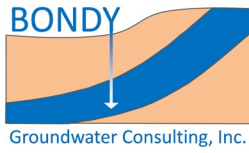


- Sustainable Management Criteria:
 - Chronic Lowering of Groundwater Levels – The logic behind the minimum thresholds is questionable and the minimum thresholds themselves appear arbitrary.

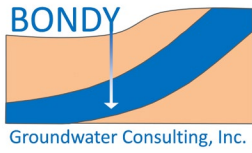
The GSP concludes that well operational issues that may be associated with groundwater levels below the top of well screens are indicative of significant and unreasonable depletion of supply. First, well operational issues are not a depletion of supply in of themselves; rather they are infrastructure issues that can be remedied through well redevelopment, well replacement, or backup wells, which could be implemented as GSP projects. It is suggested that depletion of supply not be viewed as well issues that can be remedied; rather, depletion of supply is more appropriately characterized as the inability to produce adequate water because the water isn't there.

Second, the “well impact” analysis provides clear evidence contrary to the GSP conclusions. Approximately 25% of the wells in the WMA had groundwater levels below top of screen in 2020, yet the GSP states that no reported undesirable results associated with chronic lowering of groundwater levels have occurred (see p. 3b-17). If the premise is that groundwater levels below top of screen causes significant and unreasonable effects, then why haven't numerous instances of significant and unreasonable effects been reported already? Moreover, the number of wells with groundwater levels below the top screen at minimum threshold groundwater elevations is not materially different than the number of wells at 2020 groundwater levels. (0% more municipal wells, 6.3% more agricultural wells, and 4.9% more domestic wells). There is no justification for why the small increase in the number of wells with groundwater levels below top of screen results causes the WMA to cross the line into the realm of significant and unreasonable effects. No specific, demonstrable effects that are *not* occurring at 2020 levels, but are expected to occur at the minimum threshold levels are identified. For these reasons, the minimum thresholds seem arbitrary.

It is noted that there is nothing that has or would prevent any well owner from drilling deeper wells. It is unfair to restrict the use of the groundwater resource and/or charge fees to benefit specific beneficial users who have not made the same level of investment to access the groundwater resource as others. If the GSP is to keep groundwater levels high enough to prevent well issues for those who have not fully invested in infrastructure to access the resource during droughts, then those users should fund the management actions necessary to do so, particularly in the case of appropriators whose groundwater rights are junior to the overlying landowners.



- Degraded Water Quality:
 - Page 3b-17 states that adverse water quality conditions are driven by various discharges and the Santa Ynez River. The WMA GSA should only be responsible for addressing degradation of groundwater quality caused by pumping and/or GSP implementation. There is a concern that the GSP does not caveat the minimum threshold. The minimum thresholds should only apply if the WMA GSA determines that water quality degradation is being caused by pumping or GSP implementation.
 - The GSP could be improved by explaining how the GSA will differentiate between changes in concentrations caused by groundwater pumping or GSA activities versus other mechanisms.
- Projects and Management Actions
 - Overarching Comment: GSP projects and management actions will be funded through grants and fees to be levied for groundwater pumping, which appears to include overlying pumpers. Because overlying landowners' groundwater rights are senior to appropriators, the SYWG overlying rights holders believe consideration should be given to requiring appropriators to first reduce their pumping and/or fund actions necessary to achieve the sustainable yield before levying fees on overlying groundwater users for project or management actions.
 - Increase Stormwater Recharge (Section 4a.2-4): While the projects described in this section may increase recharge to the WMA, it should be made clear that a primary purpose of the projects is to achieve compliance with Municipal Separate Storm Sewer System permit requirements for storm water quality. Presumably, municipalities would be required to complete these projects regardless of SGMA or take other actions to comply with permit requirements. Therefore, overlying pumpers should not be forced to subsidize the municipalities' efforts to comply with stormwater regulations by including and funding these projects through the GSP. It is acknowledged that the projects may have a groundwater recharge benefit. However, SYWG believes it is appropriate for the municipalities to provide the recharge benefits through these projects at their cost because there is an identified deficit in the WMA water balance and the municipalities groundwater rights are junior to the landowners overlying groundwater rights.
 - Uniform Ban on Water Softeners (Section 4a.2-5): The project is described as a complete and uniform ban on self-regenerating water softeners via a WMA GSA ordinance. Wastewater effluence water quality is regulated by RWQCB through discharge permits. Compliance with those permits is, therefore, a wastewater plant operator issue; therefore, the City of Lompoc, Vandenberg Village CSD,



and Mission Hills CSD should be the lead on this issue, not the WMA GSA. This project should be revised to be limited to the WMA GSA adopting a resolution of support for the wastewater plant operators to adopt their own bans on self-regenerating water softeners. The WMA GSA should stay out of the business of regulating wastewater, particularly enforcement of any ban, which is completely overlooked in the GSP discussion of this project.

Closing

Please contact me if you have any questions regarding this memorandum. The opportunity to assist KDG / SYWG is greatly appreciated.