



A Nonprofit Housing and Community Development Organization

August 19, 2019

Merced Groundwater Sustainability Agencies
Merced Irrigation District
744 W. 20th Street
Merced, CA 95340

Re: Comments/Recommendations on the July 2019 Merced Subbasin Draft Groundwater Sustainability Plan (GSP)

Sent via email: mercedsgma@woodardcurran.com

In response to the July 2019 Merced Subbasin Draft Groundwater Sustainability Plan (GSP) released for a 30-day public comment period on July 19, 2019, Self-Help Enterprises (SHE) would like to offer several comments and recommendations.

Detailed comments on various sections of the GSP are included in a more detailed comment letter/attachment titled SHE Comments – July 2019 Merced Subbasin GSP. Moreover, SHE partnered with Leadership Counsel for Justice and Accountability (LCJA) to conduct a focused technical review of certain sections of the GSP. Findings of this review are included as Appendix 1. Appendix 1 includes three Figures: Figure 1 - Representative Monitoring Network for GW Levels Relative to Domestic Wells, DACs, and Community Water Systems, Figure 2 - Water Level MTs and Domestic Wells and Figure 3 - Representative Monitoring Network for Water Quality Relative to Domestic Wells, DACs, and Community Water Systems. Please note that some of these findings have been incorporated and/or referenced in our detailed comment letter. Lastly, our comments and recommendations also reflect comments, concerns and suggestions provided by groundwater users that attended our August 2019 community GSP review workshops in Planada and El Nido.

Comments and recommendations are provided in an effort to protect the drinking water sources of the vulnerable and often underrepresented groundwater users that SHE works with and in order to assist the Merced Subbasin Groundwater Sustainability Agencies (GSAs) in better achieving the objectives ascribed by the GSP regulations and increase the chances of GSP approval by the Department of Water Resources (DWR).

Given that our comments are long and detailed, we have summarized a few key comments and recommendations below:

Short 30-Day Public Comment Period and lack of Community Outreach and Public Workshops

We would like to express concern with the short public comment period of just 30 days for such a technical, lengthy, yet important plan and lack of public workshops to present the draft GSP. While a 30-day comment period is allowed under the Sustainable Groundwater Management Act (SGMA), it is important to recognize that this short public comment period and lack of community outreach/public workshops is not conducive for effective public engagement and does not meet the specific engagement needs of vulnerable and often underrepresented groundwater stakeholders, e.g. Severely, Disadvantaged and Communities (S/DACs), low income water system users and households relying on shallow domestic wells. Most other GSAs within the San Joaquin Valley are providing or are planning to provide longer comment review periods (a minimum 45 days and most of them 90 days). Please make sure to properly consider the needs of underrepresented stakeholders as you move into GSP adoption and implementation.

Upon release of the draft GSP, SHE staff cumulatively held two (2) community GSP review workshops in Planada (residents from Le Grand were invited) and El Nido. At these workshops, participants were provided information about SGMA, their local GSA and presented general information about the draft GSP. The workshops also included small and large group discussions. During these group discussions, participants were asked to identify when, how often and how they would like to be notified and engaged during GSP implementation. Recommendations offered by these participants include but are not limited to: utilizing existing community venues, e.g. community board meetings, workshops and events to provide information, identifying community social media (Facebook,

Instagram, etc.) groups, pages and websites and post information, conducting site visits, door-to-door outreach. Recommendations also included identifying and working with key community leaders and trusted messengers to distribute information /encourage community participation. In addition, the importance of providing bilingual (English and Spanish) information and materials on the website, via email and inserting short notices (notices must include key messages, visuals and information that is relevant to the average water user in water bills was noted. Attendees also expressed interest in obtaining information during key GSP milestones and prior to the approval of important decisions, e.g. during public comment periods, plan updates and during the development and approval of the Merced Groundwater Allocation Framework and Merced Groundwater Reduction Plan.

Water Budget

We believe the draft GSP made available to the public is incomplete, and a full evaluation of the model and assumptions cannot be made at this time. Without a complete GSP draft that thoroughly explains the assumptions and methods used for the development of the Water Budget, the public is unable to provide meaningful comments and recommendations. The majority of the draft GSP section discussing the water budget focuses on the results of the water budget. These results are presented as average annual values for the entire subbasin, which limits the public's ability to evaluate and understand the impacts to DACs and small community water systems in a particular GSA. Time series graphs of the water budget results are needed to evaluate if the water budget adequately represents the temporal variability and trends in drinking water demand. By presenting only subbasin-level water budget results and only as average annual values, the presented results are hard to interpret with respect to drinking water use by DACs, as well as demands by other types of beneficial users. The draft GSP does not include any discussion of the uncertainty in the data used for the model and its potential effects on the water budget results. The GSP should include an uncertainty analysis to identify the plausible range in water budget results and an indication of the magnitude of the effects these inherent uncertainties may have on the water budget results.

Sustainable Management Criteria

Sustainability Goal

We are concerned that degradation of groundwater quality has not been incorporated into the Merced Subbasin Sustainability Goal. This is particularly concerning given that the protection of water quality for drinking and for agricultural uses has been identified as a priority for users in the basin as mentioned in subsection 3.6, and documented in several meeting minutes of the Merced GSP Stakeholder Advisory Committee. During the previously mentioned community GSP review workshops, participants were asked to share their vision for sustainability and provide recommendations for what should be included in the subbasin's sustainability goal. Feedback provided at these workshops included preserving drinking water supplies, promoting water conservation and identifying equitable solutions for all groundwater users. Based on participant's feedback, we recommend consideration of revising the current sustainability goal in order to fully integrate stakeholders' vision for groundwater management.

Minimum Thresholds (MTs) for groundwater levels

The current approach to setting water level Minimum Thresholds (MTs) leaves key beneficial users in the subbasin, specifically domestic well users and in particular members of DACs potentially vulnerable to impacts. Based on the findings of the focused technical review conducted by SHE and LCJA of the water level sustainable management criteria and representative monitoring wells, nearly one-third of all domestic wells in the subbasin and important disadvantaged communities such as Planada, Le Grand, and El Nido, were not considered in the establishment of minimum thresholds. As a result, a significant proportion of drinking water wells have the potential to be partially or fully dewatered if water levels reach the proposed minimum thresholds levels.

For these reasons, the proposed approach for setting sustainable management criteria for groundwater levels appears to be inadequate, and does not sufficiently consider the groundwater issues that may affect the supply and beneficial uses of groundwater as required by GSP Regulations Section 354.16. To avoid the risk of having DWR deem the Plan incomplete or inadequate, we are recommending the following:

- Reconsider the proposed approach to setting water level MTs that leave key beneficial users in the subbasin, specifically domestic well users and in particular members of disadvantaged communities (DACs), potentially vulnerable to impacts.
- Expand the current representative monitoring well (RMW) network to include additional RMWs, particularly near vulnerable communities and groundwater stakeholders. Incorporate the new wells planned for El Nido and Planada as RMWs with established water level and water quality minimum thresholds, as quantifiable measurements of sustainability, as soon as they are constructed.

- Conduct an assessment of how many and which domestic wells are expected to go dry if the MTs are reached and the number of wells that could go dry outside of the 2-mile radius of the proposed RMW. The analysis should also provide an estimate of how many well could go dry with the undesirable result definition proposal of when greater than 25% of the RMWs are below their respective MT for two consecutive years. Per 23 CCR § 354.28, these assessments should be included in the GSP in order for the public and DWR to able to fully evaluate the ability of the proposed sustainable management criteria and monitoring program to protect beneficial users within the subbasin.

Minimum Thresholds (MTs) for groundwater quality

The current proposal of only defining sustainable management criteria for salinity is not protective of the human right to safe and affordable water, does not properly reflects input provided by stakeholders, and is dissonant with the groundwater quality conditions presented in the GSP Basin Setting Chapter.

The draft GSP includes limited analysis of water quality constituents and defines Undesirable Results (URs) for water quality as a “reduction in the long-term viability of domestic, agricultural, municipal, or environmental uses over the planning and implementation horizon of this GSP.” The water quality monitoring network and analysis presented in the draft GSP appears to be inadequate, and the sustainable management criteria do not appear to be sufficient to ensure that the stated water quality UR of impacting the long-term viability of the groundwater resource, particularly for domestic water users including DACs, will be avoided. We strongly believe that the proposed approach will not be allowed under SGMA and could lead DWR to deem the Plan incomplete or inadequate. To avoid this risk, Merced GSAs should reconsider their approach to set sustainable management criteria for groundwater quality. All drinking water contaminants of concern as identified in the GSP Basin Setting section should be consider (e.g. nitrate, hexavalent chromium, arsenic, uranium, perchlorate, petroleum hydrocarbons, pesticides, solvents, and emerging contaminants).


Projects and Management Actions - Well Impact Mitigation Program

The draft GSP does not include a well impact mitigation program but rather only mentions that GSAs will evaluate during the first five years if a mitigation for shallow domestic wells that might be dewatered by declining water levels during the GSP implementation is needed. We suggest that the Merced GSAs not delay such an evaluation given that a significant proportion of domestic wells have the potential to be partially or fully dewatered if water levels reach the proposed minimum thresholds levels. That is particularly important considering the significant gaps in the groundwater levels sustainable management criteria and the proposal of postponing to after 2025 the implementation of any actions regarding groundwater allocation and pumping reduction. It is also suggested that a mitigation program be considered that could include a combination of replacing impacted wells with new, deeper wells and/or connecting domestic users to a public water system. A plan to reestablish the emergency tanked water program may also be an appropriate short-term solution, but would not be a good long-term solution for community members. Such a program is important especially if the region faces another drought.

Lastly, it is important to acknowledge that DWR, as one of the relevant state agencies identified in AB 685 - Human Right to Water of 2012, will be considering this policy when reviewing and approving GSPs. Consequently, GSPs that do not support access to sufficient and affordable quantities of quality drinking water may require costly and time-consuming revisions prior to approval from DWR.

Thank you for the opportunity to review and provide comments on the draft GSP. We look forward to working with all three GSAs in the Merced Subbasin to ensure that the GSP is protective of the drinking water sources of vulnerable and often underrepresented groundwater stakeholders. Feel free to contact our Community Development Manager for Community Engagement and Planning Maria Herrera or myself regarding any questions or comments you may have.

Sincerely,



Thomas J. Collishaw
President/CEO

Enclosure