

RESOLUTION No. 2021-03

NORTHERN DELTA-MENDOTA REGION MANAGEMENT COMMITTEE

A RESOLUTION ACKNOWLEDGING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY N-12-21 ISSUED ON AUGUST 16, 2021, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE NORTHERN DELTA-MENDOTA REGION MANAGEMENT COMMITTEE FOR THE PERIOD FROM DECEMBER 16, 2021 TO JANUARY 15, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the NORTHERN DELTA-MENDOTA REGION MANAGEMENT COMMITTEE (“Committee”) is committed to preserving and nurturing public access and participation in meetings of the members Committee; and

WHEREAS, all meetings of the Committee’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Committee’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Committee’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Committee members previously adopted a Resolution No 2021-02 on November 16, 2021, finding that the requisite conditions exist for the legislative bodies of the Committee to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3); and

WHEREAS, as a condition of extending the use of the provisions found in Government Code section 54953(e), the Committee members must reconsider the circumstances of the state of emergency that exists in Stanislaus, San Joaquin, and Merced Counties, and the Board of Directors has done so; and

WHEREAS, such conditions persist within the boundaries of the Committee, specifically, by the Governor's Order N-12-21, the Governor has extended the order declaring a State of Emergency due to the impacts of COVID-19; and

WHEREAS, the Counties of Stanislaus, San Joaquin, and Merced have recommended continued social distancing to combat the imminent risk to the public health and safety due to COVID-19; and

WHEREAS, meeting in person would present imminent risk to the health and safety of all attendees due to the continued prevalence of the COVID-19 pandemic; and

WHEREAS, the Committee members do hereby find that the state of emergency declared by the Governor of California and the persistence of the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons within the Delta-Mendota Subbasin that are likely to be beyond the control of services, personnel, equipment, and facilities of the Committee, and desires to affirm a local emergency persists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Committee members do hereby find that the legislative bodies of the Committee shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Committee shall ensure that the public has the opportunity to participate live in all electronic meetings of the Committee and all its legislative bodies during all public comment periods.

NOW, THEREFORE, THE COMMITTEE MEMBERS OF THE NORTHERN DELTA-MENDOTA REGION MANAGEMENT COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Committee members hereby affirm that a local emergency continues to exist throughout Merced, Fresno, San Benito, and Stanislaus Counties, and full in-person meetings could cause an imminent risk to the Committee members, staff and the public.

Section 3. Re-ratification of Governor’s Proclamation of a State of Emergency. The Committee members hereby re-ratify the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of August 16, 2021.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Committee are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on December 16, 2021, and shall be effective until the earlier of (i) January 15, 2022, or (ii) such time the Committee members adopt a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED this 16th day of December, 2021, by a motion from Member _____ and a second by Member _____, with the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

, Chair

**CERTIFICATE OF SECRETARY
OF
NORTHERN DELTA-MENDOTA REGION MANAGEMENT COMMITTEE**

I, _____, do hereby certify that I am the duly authorized and appointed Secretary of the Northern Delta-Mendota Region Management Committee (the “Committee”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the members of the Committee on the 16th day of December, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 16th day of December, 2021.

Secretary of Northern Delta-Mendota
Region Management Committee

RESOLUTION No. 2021-03

CENTRAL DELTA-MENDOTA REGION MANAGEMENT COMMITTEE

A RESOLUTION ACKNOWLEDGING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY N-12-21 ISSUED ON AUGUST 16, 2021, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CENTRAL DELTA-MENDOTA REGION MANAGEMENT COMMITTEE FOR THE PERIOD FROM DECEMBER 16, 2021 TO JANUARY 15, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the CENTRAL DELTA-MENDOTA REGION MANAGEMENT COMMITTEE (“Committee”) is committed to preserving and nurturing public access and participation in meetings of the members Committee; and

WHEREAS, all meetings of the Committee’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Committee’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Committee’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Committee members previously adopted a Resolution No 2021-02 on November 16, 2021, finding that the requisite conditions exist for the legislative bodies of the Committee to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3); and

WHEREAS, as a condition of extending the use of the provisions found in Government Code section 54953(e), the Committee members must reconsider the circumstances of the state of emergency that exists in Merced, Fresno, San Benito, and Stanislaus Counties, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist within the boundaries of the Committee, specifically, by the Governor's Order N-12-21, the Governor has extended the order declaring a State of Emergency due to the impacts of COVID-19; and

WHEREAS, the Counties of Merced, Fresno, San Benito, and Madera have continued to recommend social distancing to combat the imminent risk to the public health and safety due to COVID-19; and

WHEREAS, meeting in person would present imminent risk to the health and safety of all attendees due to the continued prevalence of the COVID-19 pandemic; and

WHEREAS, the Committee members do hereby find that the state of emergency declared by the Governor of California and the persistence of the COVID-19 pandemic has caused, and will continue to cause, conditions of peril to the safety of persons within the Delta-Mendota Subbasin that are likely to be beyond the control of services, personnel, equipment, and facilities of the Committee, and desires to affirm a local emergency persists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Committee members do hereby find that the legislative bodies of the Committee shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Committee shall ensure that the public has the opportunity to participate live in all electronic meetings of the Committee and all its legislative bodies during all public comment periods.

NOW, THEREFORE, THE COMMITTEE MEMBERS OF THE CENTRAL DELTA-MENDOTA REGION MANAGEMENT COMMITTEE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Committee members hereby affirm that a local emergency continues to exist throughout Merced, Fresno, San Benito, and Stanislaus Counties, and full in-person meetings could cause an imminent risk to the Committee members, staff and the public.

Section 3. Re-ratification of Governor’s Proclamation of a State of Emergency. The Committee members hereby re-ratify the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of August 16, 2021.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Committee are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect on December 16, 2021, and shall be effective until the earlier of (i) January 15, 2022, or (ii) such time the Committee members adopt a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Committee may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED this 16th day of December, 2021, by a motion from Member _____ and a second by Member _____, with the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

, Chair

**CERTIFICATE OF SECRETARY
OF
CENTRAL DELTA-MENDOTA REGION MANAGEMENT COMMITTEE**

I, _____, do hereby certify that I am the duly authorized and appointed Secretary of the Central Delta-Mendota Region Management Committee (the “Committee”); that the following is a true and correct copy of that certain resolution duly and unanimously adopted and approved by the members of the Committee on the 16th day of December, 2021; and that said resolution has not been modified or rescinded and remains in full force and effect as the date hereof:

IN WITNESS WHEREOF, I have executed this Certificate on this 16th day of December, 2021.

Claire Howard
Secretary of Central Delta-Mendota Region
Management Committee

Joint Telephonic Meeting of the
Northern Delta-Mendota Region Management Committee,
Central Delta-Mendota Region Management Committee, and
Central Delta-Mendota GSA

Tuesday, November 16th, 2021, 10:00 AM

Click here to join Zoom meeting
Call-in Number: +1-669-900-6833
Meeting ID: 850 9743 9786
Passcode: 353012

SLDMWA Conference Room, 842 6th Street, Los Banos, CA

Management Committee and Central GSA Members and Alternates Present

Northern DM Region Management Committee

Anthea Hansen, Member/Alternate – Del Puerto and Oak Flat Water Districts
Adam Scheuber, Alternate – Del Puerto Water District
Bobby Pierce, Member – West Stanislaus Irrigation District
Vince Lucchesi, Member – Patterson Irrigation District
Maria Encinas, Member – City of Patterson
Walt Ward, Member – Stanislaus County

Central DM Region Management Committee

Danny Wade*, Member/Alternate – Fresno Slough Water District/Tranquillity Irrigation District
Juan Cadena*, Alternate – Mercy Springs Water District
Aaron Barcellos*, Member – Pacheco Water District
Chase Hurley*, Alternate – Pacheco Water District
Steve Stadler*, Alternate – San Luis Water District
Amy Montgomery*, Member – Santa Nella County Water District
Augie Ramirez*, Alternate – Fresno County
Michael Linneman*, Alternate – Panoche Water District

*Indicates representative, alternate, or 2nd alternate of the Central Delta-Mendota GSA

San Luis & Delta-Mendota Water Authority Representatives Present

John Brodie
Joyce Machado
Claire Howard – Provost & Pritchard

Others Present

Leslie Dumas – Woodard & Curran
Anona Dutton – EKI Environment & Water, Inc.
Joe Hopkins – Provost & Pritchard
Gavin O’Leary – Provost & Pritchard
Kait Palys Bautista – Provost & Pritchard
Jessica Johnson – Baker Manock & Jensen

1. **Call to Order/Roll Call**

Aaron Barcellos/Pacheco called the meeting to order at 10:05 AM.

2. **Committees to Consider Corrections or Additions to the Agenda of Items, as authorized by Government Code Section 54950 et seq.**

No corrections or additions were made to the agenda of items.

3. **Opportunity for Public Comment**

No public comment was shared.

4. **Committees to Review and Take Action on Consent Calendar, Barcellos**

- a. **Resolutions Extending Remote Teleconference Meetings Pursuant to AB 36I for Next 30 Days**
- b. **Minutes for the October 28th, 2021 Joint Telephonic Meeting of the Northern and Central Delta-Mendota Region Management Committees and Central Delta-Mendota GSA**
- c. **September 2021 Budget to Actual Report**

Aaron Barcellos/Pacheco noted that the three items in the consent calendar include a resolution extending teleconference meetings, minutes from the October 28th meeting, and the September 2021 budget to actual report. Joyce Machado/SLDMWA reviewed the budget to actual report, noted that the reports for the Northern Management Committee (Fund 64) and the Central Management Committee (Fund 65) are trending positive.

The Committees considered approval of the consent calendar as presented. Maria Encinas/Patterson provided the motion for the Northern Management Committee and Bobby Pierce/WSID seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Steve Stadler/SLWD seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

5. **Committees to Consider Approval of Draft Fiscal Year 2023 Budget for Northern & Central Delta-Mendota Region GSP Implementation and Recommendation for Northern and Central Region Representatives to Approve Draft Fiscal Year 2023 Coordination Committee Budget, Brodie**

John Brodie/SLDMWA provided an overview of the draft Fiscal Year 2023 budget for the Northern and Central Regions and the Coordination Committee budget. John noted the memo shared in the meeting materials for the Committees' review, which provides a summary of the budget categories and additional detail. John also explained that the level of effort for the response to DWR comments and the SGM Round 1 Implementation grant application are unknown and subject to change.

The Committees considered approval of the Northern and Central Regions' budget and recommendation for approval of the Coordination Committee budget as presented. Anthea Hansen/DPWD&OFWD provided the motion for the Northern Management Committee and Maria Encinas/Patterson seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Danny Wade/FSWD&TRID provided the motion for the Central Management Committee and Augie Ramirez/Fresno seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

6. **Committees to Consider Directing Northern and Central Delta-Mendota Region Representatives to the Delta-Mendota Subbasin Coordination Committee to Take the Following Actions Regarding DWR's Proposal Solicitation Package for Sustainable Groundwater Management Round I Implementation Grant Funding, Brodie**

John Brodie/SLDMWA introduced discussion of the Subbasin's upcoming funding opportunity through DWR's SGM Round I Implementation Grant. John referenced the memo included in the meeting materials for additional context on the funding opportunity. The draft proposal solicitation package (PSP) outlines a process for each critically overdrafted subbasin to develop a Spending Plan that details \$10 million of eligible projects. Once submitted, DWR will coordinate with each subbasin to identify a total of \$7.6 million of funding for identified projects based on PSP and guideline requirements, including a specification that \$3.7 million of each subbasin's funding focus on geophysical investigations to identify recharge potential, early implementation of existing regional flood management plans that support groundwater recharge, or projects that provide floodplain expansion for recharge or habitat benefit.

John noted that DWR is holding a workshop to review the draft PSP and guidelines following the Management Committees meeting, starting at 2:00 PM. Comments on the draft PSP are due by November 29th, and the application is due by January 31, 2022.

The Coordination Committee will meet next on December 13th. During this meeting, the Committee will review a recommended set of projects from each GSP Group and refine the project list based on identified ranking criteria. The Management Committees will review the Coordination Committee's recommendations and ratify any additional input during the December 16th meeting.

The Committees considered approval of each sub-item in a different order than was presented in the meeting agenda. The meeting minutes reflect the order in which the Committees considered approval of each item, while maintaining sub-item identification from the meeting agenda.

a. Recommend DPWD as the Grant Applicant

Anthea Hansen/DPWD&OFWD previously volunteered Del Puerto Water District to be the applicant on behalf of the Subbasin. Anthea noted that the DPWD Board will consider approval of this recommendation at their next meeting. The Management Committees considered approval of DPWD as the Subbasin applicant. Bobby Pierce/WSID provided the motion for the Northern Management Committee and Maria Encinas/Patterson seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Danny Wade/FSWD&TRID seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

d. Set Acceptable Criteria for Cost Share for Grant Administration

The Committees recommended that cost share for grant administration be borne by project proponents. Bobby Pierce/WSID provided the motion for the Northern Management Committee and Maria Encinas/Patterson seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Amy Montgomery/SNCWD seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

b. Prioritize Northern and Central Delta-Mendota Regions' Projects for Inclusion in the Grant Spending Plan

Chase Hurley/Pacheco recommended that the Northern and Central Regions provide the full set of projects listed in Attachment A included in the memo for the Coordination Committee's review. The Subbasin's other GSP Groups are also considering projects for discussion at the December 13th meeting. Chase also recommended the Coordination Committee consider cost estimates for each proposed project and authorize development of a list of projects totaling \$10 million for inclusion in the Spending Plan.

Maria Encinas/Patterson provided the motion for the Northern Management Committee and Anthea Hansen/DPWD&OFWD seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Amy Montgomery/SNCWD seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

c. Set Acceptable Criteria for Cost Share for Grant Application Preparation

The Committees had a lengthy discussion about how to approach cost allocations for the grant application development as well as grant administration costs. The group noted that special project agreements can be used to memorialize cost splits once confirmed at the Coordination Committee level.

Some Committee members expressed concern regarding the unknown level of effort for the grant application development, given that the Spending Plan template has not been released by DWR and there may be changes incorporated into the final PSP. The options discussed for grant application cost share included an equal split between the six GSP Groups, with Committee members noting the overall Subbasin benefit for securing grant funding. Another recommendation was a split between the GSP Groups that are interested in submitting projects for this funding. Joyce Machado/SLDMWA offered that SLDMWA can do a true-up of grant application costs after the application is submitted and projects are selected through the evaluation process with DWR.

The Committees eventually agreed on a recommendation to share costs between the six GSP Groups proportional to the gross acreage of each GSP Group within the overall Subbasin acreage. The Central Management Committee discussed if they would need to seek separate approval given their current equal split of costs between member agencies, but Augie Ramirez/Fresno clarified that this recommendation is for a cost share at the Subbasin level between the six GSP Groups, and does not change the process for how costs are split between GSAs within a GSP Group.

Bobby Pierce/WSID provided the motion for the Northern Management Committee and Maria Encinas/Patterson seconded. The Northern Management Committee voted by roll call; the motion was passed unanimously by those present. Augie Ramirez/Fresno provided the motion for the Central Management Committee and Michael Linneman/Panoche seconded. The Central Management Committee voted by roll call; the motion was passed unanimously by those present.

7. GSP Group Representatives Report from Subbasin Coordination Committee Meetings on October 29th, 2021 and November 8th, 2021, Hurley/Brodie

The October 29th meeting was a special joint workshop of the Coordination Committee and Technical Working Group, and included a presentation from the GSI Environmental, Inc. team on the Subbasin's subsidence characterization study progress. Chase Hurley/Pacheco explained

that the November 8th meeting was focused on project types for the upcoming SGM Round 1 Implementation grant.

8. Committees to Discuss Revision on the Subbasin Coordination Agreement for GSP Implementation, Layne

Jessica Johnson/BMJ shared that an ad-hoc group of Subbasin representatives has been identified to participate in a review of the Coordination Agreement. This group will wait to convene until DWR's comments on the Subbasin's GSPs are released.

9. Committees to Discuss Anticipated DWR Comments on Delta-Mendota Subbasin GSPs, Brodie

John Brodie/SLDMWA shared that DWR is anticipating releasing comments on the Subbasin's GSPs in mid-December.

10. Committees to Discuss Potential Additional Funding Opportunities, Brodie

John Brodie/SLDMWA referenced the summary in the meeting materials for detail on additional funding opportunities.

11. Well Permit Review Process, Howard/County Representatives

Claire Howard/P&P shared that Merced County is holding a meeting after the Management Committees meeting on November 16th starting at 3:00 PM to review well permitting process changes within the County. Merced County staff will share a link to the meeting recording once available.

12. Committees to Discuss 2021 GSP Implementation

a. Three-Month Look-Ahead Schedule, Dutton

Anona Dutton/EKI reviewed the three-month look-ahead schedule and highlighted a January 6th Coordination Committee workshop that will be focused on review of DWR comments on the Subbasin's GSPs. Anona also reminded the Committees that water level measurements on representative monitoring sites must be submitted to the DWR SGMA Portal by the end of the year.

b. GSP Implementation Tracking Tools, Dutton

Anona shared that the next round of Tracking Tools will be shared later this year to include seasonal low water level measurement readings.

c. GSP Implementation Monitoring Activities and Status, Dumas

Leslie Dumas/W&C reminded the Committees that the seasonal low water level monitoring window of September 1 - October 31 recently closed. Leslie requested GSAs share any changes for representative monitoring sites for documentation in the Annual Report.

d. Interconnected Surface Water Monitoring Network Development, Dumas

Leslie shared that a memo summarizing the NCDM GSP's interconnected surface water (ISW) monitoring network development is included in the meeting materials for the Committees' review. This project has also been uploaded to the Opti database. The next step is to identify eligible funding for this network.

e. **WY 2021 Annual Report, Dumas**

Leslie noted that the Annual Report team will follow up with GSAs to compile seasonal low water level and water use data for incorporation into the Annual Report.

13. **Committees to Discuss Special Projects**

a. **Well Census and Inventory Project, Howard/O'Leary**

Gavin O'Leary/P&P shared that the summary of well location and construction information has been shared with Ken D. Schmidt & Associates (KDSA) for their review and evaluation of aquifer screening detail. Gavin noted that the P&P team has finished adding new wells to the inventory at this time, and focus is shifting to confirming data compilation with each agency.

b. **Subbasin Subsidence Characterization Study and Project Feasibility Determination, Brodie**

John Brodie/SLDMWA requested that agencies share any available lower aquifer pumping data or soil characteristic information with SLDMWA staff to provide to the GSI Environmental, Inc. team to support the subsidence analysis.

14. **Committees to Discuss Inter-basin Coordination Update, Brodie/Montgomery/Lucchesi**

John Brodie/SLDMWA noted that there are no recent updates to share from the inter-basin coordination meetings held with representatives from the Chowchilla, Madera, and Merced Subbasins. SLDMWA will request an extension of the current FSS agreement, which is currently set to expire at the end of 2021.

15. **Next Steps**

- The Committees provided the following recommendations for the SGM Round 1 Implementation Grant funding opportunity for the upcoming December 13th Coordination Committee meeting:
 - o DPWD selected as Subbasin applicant
 - o Recommendation of project list included in Attachment A in the meeting materials
 - o Cost share for grant application preparation split by GSP Group proportional to each GSP Group's gross acreage within the Subbasin
 - o Cost share for grant administration borne by project proponents
- DWR comments on the Subbasin's GSPs are anticipated to be released in mid-December
- Seasonal low water level and water use data are requested from each GSA to support Water Year 2021 Annual Report development

16. **Reports Pursuant to Government Code Section 54954.2(a)(3)**

No topics were discussed under this item.

17. **Future Meetings**

- a. **Thursday December 16th, 2021 at 10:00 AM**
- b. **Thursday January 27th, 2022 at 10:00 AM**
- c. **Thursday February 24th, 2022 at 10:00 AM**

18. **Conference with Legal Counsel – Existing Litigation**

The Committees will meet in closed session to confer with legal counsel pursuant to Paragraph (1), Subdivision (d) of Government Code Section 54956.9.

California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Northern and Central Delta-Mendota Regions Groundwater Sustainability Plan, et al., Stanislaus County Superior Court, Case No. CV-20-001748 [Delta-Mendota Subbasin SGMA Challenge].

19. Report Out of Closed Session

No closed session was held this meeting.

20. ADJOURNMENT

Aaron Barcellos/Pacheco adjourned the meeting at 12:09 PM.

DRAFT



MEMORANDUM

TO: Northern and Central Delta-Mendota Region Management Committees
Members and Alternates

FROM: John Brodie, Water Resources Program

ManagerDATE: December 14, 2021

RE: Sustainable Groundwater Management Round 1 Grant Application

BACKGROUND

On October 13, 2021, the California Department of Water Resources (DWR) issued a draft Proposal Solicitation Package (PSP) for Sustainable Groundwater Management (SGM) Round 1 funding. Approximately \$7.6M is available for each critically overdrafted (COD) basin, including the Delta-Mendota Subbasin (Subbasin), with grants awarded at the basin level. DWR held a public meeting on November 16, 2021 to respond to questions on the draft PSP. DWR may issue the final PSP in mid-December 2021. The anticipated deadline for Grant applications is January 31, 2022. Applications must be submitted in a format specified by DWR.

The draft PSP states that each applicant subbasin must complete a “Spending Plan” using a template provided by DWR, and self-evaluate potential projects within the basin using the scoring criteria provided by DWR. Each applicant must submit a Spending Plan that includes projects totaling a minimum of \$10 million for DWR to review and rank. DWR will review the Spending Plan with each applicant. Letters of support from each Groundwater Sustainability Agency (GSA) in the Subbasin are required. DWR requires that approximately \$3.7 million of the allocated funds should support one or more of three specified categories of activities, including:

- Geophysical investigation(s) of groundwater basins to identify recharge potential (e.g., Aerial Electromagnetic Surveys);
- Early implementation of existing regional flood management plans that incorporate groundwater recharge (e.g., basin recharge using floodwater); or
- Projects that would complement efforts of a local Groundwater Sustainability Plan (GSP), that provide for floodplain expansion to benefit groundwater recharge or habitat (e.g., basin recharge using peak flows from a river, creek, or stream).

Eligible projects include those identified in the previously submitted GSPs, projects designed to fill data gaps, response to forthcoming DWR comments on the GSPs, and revisions of the previously submitted GSPs.

The Management Committees discussed this funding opportunity in the November 16th meeting and provided recommendations for the Coordination Committee representatives to consider at the December 13th Coordination Committee meeting. The Coordination Committee considered approval of items to authorize development of the Subbasin's grant application. The Management Committees will consider ratification of these items during their December 16th meeting.

ISSUES FOR DECISION

The Management Committees are requested to ratify approval of the following recommendations from the Coordination Committee's December 13th meeting:

- Identifying the Coordination Committee as the project review committee, and requesting the Coordination Committee conduct project evaluation reviews using the DWR criteria included in the draft PSP
- Confirming the summarized project list and budget categories for the Subbasin's total \$10M funding request for inclusion in the internal Subbasin ranking process:
 - o \$4M to projects listed in Prop 68 Implementation grant application
 - Orestimba Creek Recharge and Recovery Project (DPWD and CCID)
 - Los Banos Creek Recharge and Recovery Project (SLWD, CCID and Grassland)
 - Flood Water Capture Project (Grassland)
 - Cottonwood Creek Recharge Project (Aliso)

NCDM, SJREC, Grassland, and Aliso representatives are requested to review their respective project description(s) to ensure those descriptions are consistent with PSP language for \$3.7M specified categories (geophysical investigations for identifying recharge potential, early implementation of existing regional flood management plans, provide floodplain expansion to benefit groundwater recharge or habitat)
 - o \$2M development of monitoring sites
 - Monitoring wells, subsidence monitoring sites and methods (based on recommendation from GSI project), and ISW sites, including stream gages
 - o \$4M recommendation to split remaining funding between GSP Groups for to-be-determined items consistent with the PSP
- Approving GSPs share equal six-way cost allocation for grant application preparation
- Approving project proponents share grant administration costs proportional to awarded grant funds

RECOMMENDATION

Staff recommends the Management Committees ratify approval of the recommended next steps from the Coordination Committee meeting.

ANALYSIS

The DWR SGMA Implementation Round 1 funding is an opportunity for the Subbasin to receive significant financial assistance to further implementation of its stated SGMA objectives. The above recommendations are consistent with approaches previously utilized by the Subbasin in pursuing external funding and with the principle that some projects and actions benefit the entire Subbasin and that for others, project beneficiaries should bear an appropriately proportional burden. This funding opportunity requires no fund matching. The proposed cost share allocations for grant administration and project implementation will provide a cash flow structure for these funds before grant reimbursements are received.

BUDGET

The application will be developed and submitted by the end of January 2022, which is in the current Fiscal Year 2022. No budget increases are anticipated for the application development. Grant application costs are recommended to be shared equally by the six GSP Groups. The exact cost is to be determined based on the final PSP issued by DWR, which will provide clearer understanding of the level of effort required for the Spending Template and application development.

Cost share for grant administration activities will be confirmed once the grant award is finalized, but cost share is recommended to be borne by the project proponents proportional to the awarded grant funding.



MEMORANDUM

TO: Northern and Central Delta-Mendota Region Management Committees
Members and Alternates

FROM: John Brodie, Water Resources Program Manager

DATE: December 14, 2021

RE: Amended Contract and Task Order for Prop 68 SGMA Implementation Grant
Administration Services.

BACKGROUND

The San Luis & Delta-Mendota Water Authority (SLDMWA) entered into a Master Services Agreement with Woodard & Curran on March 1, 2020 to provide Groundwater Sustainability Plan Implementation Support for the Northern and Central Regions of the Delta-Mendota Subbasin. On May 1, 2020, a Task Order (TO) was added to that contract for Grant Administration for Proposition 68 Sustainable Groundwater Management Act Funding. The budget for that task order was set at \$57,406 including a contingency budget of \$9,815 that requires authorization from the Delta-Mendota Coordination Committee prior to expenditure.

ISSUES FOR DECISION

Woodard & Curran has requested staff seek authorization to 1) expend part of the Contingency Budget in Fiscal Year 2022, 2) expend the remainder of the Contingency Budget in Fiscal Year 2023, and 3) raise the total budget an additional \$27,278 to \$84,684. Of the total, \$35,908 is needed to complete the project. The grant is scheduled to terminate April 30, 2022. Staff does not intend to seek an extension, and all active tasks are scheduled for completion by February 28, 2022.

The Coordination Committee discussed this requested amendment in the December 13th meeting, with additional input from Woodard & Curran team members. The Northern and Central Management Committees will consider approval of this amendment during their

December 16th meeting, and the Coordination Committee will consider approval of this item during the January Coordination Committee meeting.

RECOMMENDATION

Staff recommends the following steps for the Northern and Central Management Committees and Coordination Committee:

- December 16th – Northern and Central Management Committees consider approval to authorize the Management Committees representatives to the Coordination Committee to approve the following items:
 1. Authorize expenditure of a portion of the existing Contingency Budget to cover FY 2022 expenses of the Proposition 68 Sustainable Groundwater Management Act Funding grant administration.
 2. Authorize expenditure of remaining Contingency Budget in FY 2023
 3. Authorize increase of \$27,273 to the total budget to complete grant administration tasks through final grant reporting and close-out activities in FY 2023.
- January (date TBD) – Coordination Committee will consider approval of items 1, 2 and 3.

ANALYSIS

Approval of this grant administration expenses and budget increase will ensure successful completion and reporting of the Subbasin's Proposition 1/68 grant. The Coordination Committee will vote to authorize expenditure of the Contingency Budget and increase the Contract Budget during their January 2022 meeting. Northern and Central Committees representatives to the Coordination Committee require authority to vote at the January Coordination Committee meeting.

BUDGET

Budget tables on the pages to follow show expenditures for the remainder of this fiscal year, and the Total Project Budget with the amended increase.



Fee Estimate

San Luis & Delta-Mendota Water Authority SGM Grant Administration Services for the Delta-Mendota Subbasin, Estimate to Complete

Tasks	Labor				Total Hours	Total Labor Costs (1)	Total Amendment Fee	Total		Notes
	Leslie Dumas	Ian Jaffe	Kelsey Bradley	Admin.				Total Original Contract Fee	Total Updated Fee	
	Project Manger/PIC	Grant Admin	Grant Admin Support	Support						
	\$340	\$249	\$224	\$150						
Prop 1/68 Sustainable Management Grant Administration										
Prop 1/68 Delta-Mendota Grant Admin										
Task 1: Prop 68 Quarterly Progress Reports and Reimbursement Requests	4	22	24	2	52	\$12,514	\$12,514	\$14,983	\$27,497	
Task 2: Prop 68 and Prop 1 Final Component Reports, Final Proposal Report and Close-Out					0	\$0	\$0	\$17,108	\$17,108	
Task 3: Final Grant Agreement Amendment (if required)					0	\$0	\$0	\$1,816	\$1,816	
Task 4: Grant-related Communications	8	18		4	30	\$7,802	\$7,802	\$13,684	\$21,486	
Task 5: Contingency	4	9	15		28	\$6,962	\$6,962	\$9,815	\$16,777	<i>The original contingency will be spent on Tasks 1 and 4.</i>
Subtotal:	12	40	24	6	82	\$20,316	\$20,316	\$47,591	\$67,907	
Subtotal w/Contingency:	16	49	39	6	110	\$27,278	\$27,278	\$57,406	\$84,684	
Prop 68 Grant Admin	12	40	24	6	82	\$20,316	\$20,316	\$47,591	\$67,907	
Prop 68 Grant Admin Contingency	4	9	15	0	28	\$6,962	\$6,962	\$9,815	\$16,777	
TOTAL	16	49	39	6	110	\$27,278	\$27,278	\$57,406	\$84,684	

1. The individual hourly rates include salary, overhead and profit.
2. Subconsultants will be billed at actual cost plus 10%.
3. Other direct costs (ODCs) such as reproduction, delivery, mileage (rates will be those allowed by current IRS guidelines), and travel expenses, will be billed at actual cost plus 10%.
4. W&C reserves the right to adjust its hourly rate structure and ODC markup at the beginning of the calendar year for all ongoing contracts.



CALIFORNIA DEPARTMENT OF WATER RESOURCES

SUSTAINABLE GROUNDWATER MANAGEMENT OFFICE

715 P Street | Sacramento, CA 95814 | P.O. Box 942836 | Sacramento, CA 94236-0001

December 9, 2021

John Brodie, Point of Contact
Delta-Mendota Subbasin
842 6th Street
Los Banos, CA 93635

RE: Delta-Mendota Subbasin - 2020 Groundwater Sustainability Plans

Dear John Brodie,

As the Point of Contact responsible for communication among the various Plan Managers within the Delta-Mendota Subbasin (Subbasin), the Department of Water Resources (Department) is contacting you to thank you for submitting your groundwater sustainability plans (GSPs) for evaluation and assessment as required by the Sustainable Groundwater Management Act (SGMA). Throughout the Subbasin, six separate GSPs were prepared by 23 groundwater sustainability agencies (GSAs) pursuant to a required coordination agreement. Collectively, the six GSPs and the coordination agreement will, for discussion and evaluation purposes, be treated and referred to as the Plan for the Subbasin. This letter provides a preliminary update of the Department's evaluation and assessment of the Plan.

Department staff have substantially completed a review of the six GSPs covering the Subbasin and the materials considered to be part of the coordination agreement. While this letter is not a final determination, Department staff have identified several deficiencies which will preclude the Department's approval of your Plan. The final determination and assessment will be provided to you and posted to the SGMA Portal no later than January 23, 2022. The assessment will describe the deficiencies precluding approval and determine that the Plan is incomplete. The deficiencies described in the forthcoming official written assessment will have accompanying corrective actions that the GSAs must address within 180 days from issuance.

Ahead of receiving the final determination and assessment for your Subbasin, we encourage your GSAs to review the deficiencies associated with the plans prepared for other subbasins in the San Joaquin Valley, which are documented in previously issued letters; the letters are posted to the SGMA Portal.¹ Deficiencies for your Subbasin will include similar themes, and may include other items, such as deficiencies related to coordination among the GSPs. The Department recommends that you begin to coordinate with your Subbasin's GSAs, their governing boards, applicable technical advisory committees, and interested parties to discuss tentative approaches to addressing deficiencies.

Once the Department issues the official written assessment, your Subbasin will have the opportunity to resubmit materials to address the deficiencies within 180 days. After the Department reviews those materials, the Plan could be subsequently approved if the GSAs have taken corrective actions to sufficiently address the deficiencies identified. Alternatively, after consultation with the State Water Resources Control Board, the Department could determine the Plan to be inadequate if the GSAs have not taken sufficient actions to correct the deficiencies. The inadequate determination would provide an opportunity to develop a Plan that satisfies the requirements of SGMA while under the oversight of the State Water Resource

¹ <https://sgma.water.ca.gov/portal/gsp/status>

John Brodie
December 9, 2021
Page 2

Control Board until Plan implementation can return to local control.

If you have any questions, please do not hesitate to contact the Sustainable Groundwater Management Office staff by emailing sgmps@water.ca.gov. We look forward to scheduling a meeting with you once the final determination and assessment are posted in late January.

Thank you,

Paul Gosselin

Paul Gosselin
Deputy Director of Sustainable Groundwater Management

10 December 2021

MEMORANDUM

To: John Brodie, San Luis Delta-Mendota Water Authority (SLDWMA)
Claire Howard, SLDWMA

From: Anona Dutton, EKI Environment & Water, Inc. (EKI)

Subject: Planning for Anticipated Comments from Department of Water Resources (DWR)
Northern & Central Delta-Mendota Groundwater Sustainability Plan (GSP)
(EKI C00041.01)

On 9 December 2021, DWR issued a collective assessment letter to the Delta-Mendota Subbasin GSP Groups regarding the six submitted GSPs. The DWR letter stated that the submitted GSPs for the Delta-Mendota Subbasin were incomplete and contained deficiencies precluding their approval by DWR. The DWR letter did not identify specific deficiencies, but noted that its previously issued comment letters for other subbasins in the San Joaquin Valley had identified deficiencies in the GSPs which may be informative and relevant for the Delta-Mendota Subbasin GSP groups.

Over the past several months, as DWR has issued comment letters regarding the GSPs submitted for subbasins across California, EKI has provided SLDWMA with summaries of DWR’s findings and comments. EKI’s objective was to keep SLDWMA apprised of potential forthcoming comments and assessments on the Northern &-Central Region GSP. Our previously provided summaries are compiled and attached as listed below.

- Tabular Summary prepared by EKI Regarding Comments from DWR and the State Water Resources Control Board dated December 2021. Note that an earlier version of this table was prepared and provided by EKI prior to issuance of DWR letters on 9 December 2021. The attached table incorporates the most recent DWR letters. Also attached is a figure prepared by EKI which illustrates the subbasins in California for which DWR has issued assessments of the submitted GSPs.
- Email Summary from EKI dated 7 December 2021 providing additional summary of the key issues and potential concerns for the Delta-Mendota Subbasin.
- Email Summary from EKI dated 19 November 2021 EKI summarizing DWR comments based upon DWR letters Issued on 18 November 2021 for eight additional GSPs.
- EKI memo titled “Key Excerpts from SWRCB August 2021 Comment Letters Key Excerpts from SWRCB’s August 2021 GSP Comment Letters in comparison to DWR’s 3 June 2021 GSP Determination and Notification Letters, and Suggested Clarifications for the Northern & Central Delta-Mendota Region GSP”. A copy of this memo was included in the Meeting Materials for the Northern & Central Management Committee Meeting on 23 September 2021.

Summary of DWR and SWRCB Review Letters on GSPs

Basin	DWR Basin ID (#)	GSAs (#)	GSPs (#)	SWRCB (a)		DWR (b)		
				Date	Identified Deficiencies	Date	Status	Basis for Consultation
Cuyama Valley	3-013	1	1	N/A	N/A	6/3/2021	Initiated Consultation	<ul style="list-style-type: none"> •SMC •Use of groundwater levels as proxy for ICSW •Water quality •Mitigation of overdraft conditions
Paso Robles Area	3-004.06	4	1	N/A	N/A	6/3/2021	Initiated Consultation	<ul style="list-style-type: none"> •Groundwater levels SMC •ICSW SMC
180/400 Foot Aquifer	3-004.01	4	1	N/A	N/A	6/3/2021	Approved	N/A
Santa Cruz Mid-County	3-001	1	1	N/A	N/A	6/3/2021	Approved	N/A
Tulare Lake	5-022.12	5	1	8/23/2021	<ul style="list-style-type: none"> •Groundwater Levels SMC •Water budget •Water quality •Land subsidence •ICSW •Descriptions and identification of water rights needed for PMAs •Stakeholder involvement and impacts to beneficial users 	12/9/2021	Initiated Consultation	<ul style="list-style-type: none"> •Deficiencies similar to those of other San Joaquin Valley subbasins.
Westside	5-022.09	2	1	N/A	N/A	11/18/2021	Initiated Consultation	<ul style="list-style-type: none"> •Land subsidence SMC •Groundwater levels SMC •Water Quality SMC
Chowchilla	5-022.05	4	1	8/23/2021	<ul style="list-style-type: none"> •Groundwater Levels SMC •Water quality •Identification of water rights needed for PMAs •Stakeholder involvement and impacts to beneficial users 	11/18/2021	Initiated Consultation	<ul style="list-style-type: none"> •Land subsidence SMC •Groundwater levels SMC •Identification of ICSW
Merced	5-022.04	3	1	8/23/2021	<ul style="list-style-type: none"> •Groundwater Levels SMC •Water quality •Identification of ICSW and SMCs •Identification of water rights needed for PMAs •Water budget •Stakeholder involvement 	11/18/2021	Initiated Consultation	<ul style="list-style-type: none"> •Definition of URs (requirement of two consecutive dry years) •Groundwater levels SMC •Land subsidence SMC

Summary of DWR and SWRCB Review Letters on GSPs

Basin	DWR Basin ID (#)	GSAs (#)	GSPs (#)	SWRCB (a)		DWR (b)		
				Date	Identified Deficiencies	Date	Status	Basis for Consultation
Eastern San Joaquin	5-022.01	16	1	8/23/2021	<ul style="list-style-type: none"> •Groundwater Levels SMC •ICSW •Water budget •Identification of water rights needed for PMAs •Stakeholder involvement and impacts to beneficial users 	11/18/2021	Initiated Consultation	<ul style="list-style-type: none"> •Definition of URs (requirement of two consecutive dry years) •Use of groundwater levels as proxy for ICSW
South Yuba	5-021.61	1	1 (c)	8/23/2021	<ul style="list-style-type: none"> •Identification of GDEs •Use of groundwater levels as proxy for ICSW 	11/18/2021	Approved	N/A
North Yuba	5-021.60	3	1 (c)	8/23/2021	<ul style="list-style-type: none"> •Identification of GDEs •Use of groundwater levels as proxy for ICSW 	11/18/2021	Approved	N/A
Pleasant Valley	4-006	3	1	N/A	N/A	11/18/2021	Approved	N/A
Oxnard	4-004.02	3	1	N/A	N/A	11/18/2021	Approved	N/A
Kaweah	5-022.11	4	3	11/19/2021	<ul style="list-style-type: none"> •Coordination between GSPs for the Basin •Groundwater Levels SMC •Water quality •Identification of ICSW •Identification of water rights needed for PMAs •Stakeholder involvement and impacts to beneficial users 	12/9/2021	Initiated Consultation	•Deficiencies similar to those of other San Joaquin Valley subbasins.
Kings	5-022.08	8	7	11/19/2021	<ul style="list-style-type: none"> •Coordination between GSPs for the Basin •Groundwater Levels SMC •Water quality •ICSW SMC •Identification of GSPs •Identification of water rights needed for PMAs •Stakeholder involvement and impacts to beneficial users 	12/9/2021	Initiated Consultation	•Deficiencies similar to those of other San Joaquin Valley subbasins.
Delta-Mendota	5-022.07	23	6	N/A	N/A	12/9/2021	Initiated Consultation	•Deficiencies similar to those of other San Joaquin Valley subbasins.

Summary of DWR and SWRCB Review Letters on GSPs

Basin	DWR Basin ID (#)	GSAs (#)	GSPs (#)	SWRCB (a)		DWR (b)		
				Date	Identified Deficiencies	Date	Status	Basis for Consultation
Tule	5-022.13	7	6	N/A	N/A	12/9/2021	Initiated Consultation	•Deficiencies similar to those of other San Joaquin Valley subbasins.
Kern County	5-022.14	14	5	N/A	N/A	12/9/2021	Initiated Consultation	•Deficiencies similar to those of other San Joaquin Valley subbasins.

Notes:

- (a) SWRCB sent comment letters to DWR identifying potential deficiencies in GSPs for which DWR had not yet provided a determination.
- (b) DWR issued either a determination letter that approved the GSP or a notification letter identifying deficiencies and initiating consultation with the GSAs.
- (c) The North Yuba and South Yuba Subbasins were included together in one GSP as the "Yuba Subbasins".

Abbreviations:

DWR = California Department of Water Resources
 GDE = Groundwater Dependent Ecosystem
 GSA = Groundwater Sustainability Agency
 GSP = Groundwater Sustainability Plan
 ICSW = Interconnected Surface Water
 N/A = Not Applicable

PMA = Projects and Management Actions
 SMC = Sustainable Management Criteria
 SWRCB = State Water Resources Control Board
 UR = Undesirable Results



Path: Z:\SLDMWA_GSP_Implementation\meetings\2021-Subbasin-CC\subbasin-CC-12-13-21\pre-packet\Color_coded_basin_map.mxd

Legend

GSP Approval Status

- Approved
- Not approved

Abbreviations

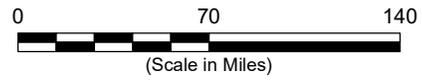
DWR = California Department of Water Resources
 GSP = Groundwater Sustainability Plan

Notes

1. All locations are approximate.
2. Figure reflects GSP approval status as of December 9, 2021.

Sources

1. Basemap is ESRI's ArcGIS Online world topographic map, obtained 9 December 2021.
2. Basin boundaries are DWR's Bulletin 118 Groundwater Basin Boundary dataset (2018 update), obtained on 23 November 2021.



DRAFT **GSP Approval Status**



San Luis Delta-Mendota Water Authority
 December 2021
 C00041.01

Figure 1

From: [Anona Dutton](#)
To: [John Brodie](#); [Claire Howard](#)
Cc: [Vincent Lucchesi](#); [Bobby Pierce](#); [Meredith Durant](#); [J. Scott Petersen](#)
Subject: DWR & State Water Board Comment Letters
Date: Tuesday, December 7, 2021 8:21:47 PM

Dear all, per our conversation today, a few notable comments from the latest DWR and SWRCB letters:

Key Excerpts from DWR November 2021 GSP Review Letters

- “Department staff suggest that the GSAs set the measurable objective for inelastic subsidence to zero and that the minimum thresholds be set commensurate with the amount of residual subsidence expected in the Subbasin” (Westside, page 5; Merced, page 11)
- “The GSAs should revise their minimum thresholds and measurable objectives for land subsidence to be consistent with the intent of SGMA that subsidence would be avoided or minimized once basins achieve their sustainability goals” (Westside, page 7; Chowchilla, page 8; Merced, page 10)
- “Generally, the GSP identifies that irrecoverable loss of groundwater storage and damage to infrastructure, including water conveyance facilities and flood control facilities, are potential impacts of land subsidence. However, the GSP does not identify specific infrastructure locations, particularly those associated with public safety, in the Subbasin and the rate and extent of subsidence that would substantially interfere with those land surface uses and may lead to undesirable results.” (Eastern San Joaquin, page 8; similar statements in Chowchilla, page 6 and Merced, page 10).

Key Excerpts from SWRCB November 2021 GSP Review Letters

- “The coordination agreement for the Kaweah subbasin does not include a comprehensive description of how the MTs and MOs relate to undesirable results...staff recommends the coordination agreement include a description of how groundwater conditions at MTs may affect beneficial uses and users.” (Kaweah, page 2; similar statement on Kings, page 2)
- “staff disagrees that the dewatering of over one-third of domestic supply wells throughout the subbasin represents an insignificant or reasonable depletion of supply” (Kaweah, page 4)
 - From NCDM: “when groundwater elevations drop below the site-specific minimum threshold at 40 percent of representative monitoring wells...it is anticipated that shallow domestic wells in the same subregion as the representative monitoring points in exceedance of the minimum threshold would go dry”
- “The GSPs do not explain how maintaining groundwater levels above MTs....would avoid significant and unreasonable depletions of supply.” (Kaweah, page 5; similar statement on Kings, page 3)
- “Only some GSPs describe how allowing water levels to decline to proposed MOs or MTs may impact domestic wells....and there is no effort to mitigate for impacts to wells.” (Kings, page 4)
- “Staff recommends that the GSAs expedite the coordination of groundwater level MTs with neighboring subbasins.” (Kaweah, page 6)

“Based on its prevalence within the subbasin, the GSPs should also include SMC for uranium” (Kaweah, page 8)

- “The GSPs definition of an undesirable result for water quality degradation is not clearly linked to consideration of beneficial users.” (Kaweah, page 9)
- “Staff recommends that the East Kaweah GSA and the Greater Kaweah GSA update the GSP with a plan to fill data gaps regarding surface water-groundwater interactions including evaluating the potential locations, quantity, and timing of stream depletions” (Kaweah, page 11)

From: [Anona Dutton](#)
To: [John Brodie](#); [Claire Howard](#)
Cc: [J. Scott Petersen](#); [Meredith Durant](#)
Subject: Review of DWR letters
Date: Friday, November 19, 2021 2:23:52 PM

Hello John and Claire –

As you are aware, on 18 November 2021, the California Department of Water Resources (DWR) issued formal assessments for eight additional Groundwater Sustainability Plans (GSPs) submitted to DWR in January 2020. Four of the DWR assessments, evaluating GSPs submitted by groundwater sustainability agencies (GSAs) in Central Valley subbasins adjacent to the Delta-Mendota Subbasin, identified a number of deficiencies in the GSPs. The concerns identified by DWR in the comments letters for the adjacent subbasins are likely to be similar to those that will be provided by DWR in its forthcoming comment letter on the GSPs submitted by the Delta-Mendota Subbasin GSP groups.

EKI has reviewed the DWR assessment letters issued on 18 November 2021 for the Eastern San Joaquin, Chowchilla, Merced, and Westside Subbasins to highlight GSP deficiencies identified by DWR that may be relevant for the Delta-Mendota Subbasin (DM Subbasin).

Although the specific comments varied between the recent DWR assessment letters, and the technical approaches used in the GSPs reviewed by DWR may differ from those in the Northern & Central Delta-Mendota GSP, the topics are likely to be included in the forthcoming assessment letter:

DWR concern regarding the amount of allowable subsidence identified in the GSP, setting of the measurable objectives (MO), and setting of the minimum thresholds for subsidence. In its assessment letters dated 18 November 2021, DWR references the legislative intent as set forth in the Water Code and suggests that the MO should be zero for inelastic land subsidence once the basin has achieved sustainability.

DWR concern regarding evaluation of interconnected surface water (ISW). DWR recognizes that the Chowchilla Subbasin shares a border with the eastern portion of the DM Subbasin, and using information provided in the GSP submitted by the San Joaquin River Exchange Contractors, DWR finds the Chowchilla GSP to be deficient in its assessment regarding potential ISW in the vicinity of the San Joaquin River. This finding underscores DWR's attention to this sustainability indicator, and suggests that DWR may provide similar comments regarding attention to ISW for the portions of the DM Subbasin. Unlike Chowchilla, the Northern & Central Delta-Mendota GSP recognized characterization of depletion of ISW as a data gap and has subsequently made efforts to fill the data gap through the installation of additional monitoring wells to further evaluate potential depletions of ISW. The DM Subbasin should be prepared to respond to a comment on this sustainability indicator from DWR.

DWR concern regarding technical support for sustainability metrics. In several of the recent comment letters, DWR finds that the supporting information provided in the GSP is insufficient to support the conclusions and proposed sustainability metrics. This comment may be relevant, and if

provided, may require submittal of additional technical information to support statements and findings in the DM Subbasin GSPs.

On a related topic, EKI is compiling and categorizing the public comments submitted on the Northern & Central DM GSP, and we will be prepared to review them with you in early December.

We are available to discuss the recent DWR GSP assessments with you in greater detail. Please contact me if you have questions or would like to schedule a meeting.

Thank you,
Anona

Anona Dutton, PG, CHg

Vice President

EKI Environment & Water, Inc.

2001 Junipero Serra Blvd., Suite 300

Daly City, California 94014

T: (650) 292-9100

adutton@ekiconsult.com | www.ekiconsult.com

**Key Excerpts from SWRCB’s August 2021 GSP Comment Letters
in comparison to DWR’s 3 June 2021 GSP Determination and Notification Letters, and
Suggested Clarifications for the Northern & Central Delta-Mendota Region GSP**

This document provides a summary of key issues identified by the State Water Resources Control Board (SWRCB) in their 23 August 2021 comment letters on five additional Groundwater Sustainability Plans (GSPs) that were submitted to Department of Water Resources (DWR). The common issues identified by the SWRCB are added to our previous analysis of the comments made by DWR in their 3 June 2021 determination and notification letters¹ summarizing findings regarding four GSPs. This document also provides suggested revisions or clarifications to the Northern & Central Delta-Mendota Region GSP (NCDM Region GSP) in light of the DWR and SWRCB comments.

COMMON THEMES

Common themes articulated in the SWRCB letters that related to the technical aspects of the GSPs were generally consistent with DWR comments on the other GSPs, as follows:

Water Levels: The SWRCB strongly recommends that groundwater sustainability agencies (GSAs) conduct an independent analysis of the potential impacts of proposed sustainable management criteria (SMCs) on active domestic and public water supply wells (especially related to disadvantaged communities [DACs]) and implement a well mitigation program. SMCs that allow for a continued decline in groundwater levels, especially past the year 2040 when overdrafted basins are required to reach sustainability, are not considered sustainable or consistent with the Sustainable Groundwater Management Act (SGMA).

Water Quality: The GSP should outline the process the GSAs would use to decide whether GSP implementation caused or exacerbated a minimum threshold (MT) exceedance for water quality and take the “human right to water” legislation directly into account. All available data should be considered and if multiple constituents of concern (COCs) have been detected in a basin, the rationale for only developing SMCs for a select few COCs must be justified.

Subsidence. SMCs that allow for continued subsidence or a continued decline in groundwater levels, especially a decline in levels to below the Corcoran Clay, are not considered sustainable.

Interconnected Surface Water (ISW): The SWRCB generally felt that the GSAs had not sufficiently made the case that water levels could be used as a proxy for addressing ISW or sufficiently characterized the nature and extent of ISW issues or groundwater dependent ecosystems (GDEs). The SWRCB expects that an ISW monitoring network will include stream gauges.

Projects and Management Actions (PMAs): The SWRCB expressed concerns related to the likelihood of success of the planned PMAs, cautioned the GSAs on the intersection of water rights permitting with planned PMAs (e.g., for those projects that anticipate relying on new or amended surface water rights as a source of supply), strongly encouraged the GSAs to get involved in the well permitting processes, and encouraged incorporation of demand management into the PMA plan.

¹ On 3 June 2021, DWR issued determination letters to the GSAs for two basins (the Santa Cruz Mid-County Basin and the 180/400-foot Aquifer Subbasin) approving the basins’ GSPs, and issued notification letters to the GSAs for two other basins (the Paso Robles Area Subbasin and the Cuyama Basin), identifying deficiencies in the basins’ GSPs and initiating consultation with the GSAs.

Stakeholder Engagement: The SWRCB provided significant comments on stakeholder outreach and engagement (especially related to engagement of DACs and tribal interests). The SWRCB comments, however, did not address issues related to inter-basin or intra-basin coordination.

DETAILED COMMENTS

Excerpts from the June 2021 DWR GSP review letters (provided in the original version of this attachment) are shown in *italics* font with grey highlighting with the particular comment letter identified by basin in parentheses. Excerpts from the August 2021 SWRCB GSP comment letters are shown in *italics* font with no highlighting, with the particular comment letter identified by basin in parentheses. Below each excerpt is an analysis of the NCDM Region GSP and recommendation(s) related to the anticipated receipt of similar comments by DWR and/or the SWRCB. Revised or added recommendations based on the recent SWRCB letters are shown in blue font.

All Sustainability Indicators

Key Excerpts from DWR June 2021 GSP Review Letters

- *“The GSA’s definition needs to include a description of the processes and criteria relied upon to define undesirable results and must describe the effect of undesirable results on the beneficial uses and users of groundwater. From this definition, the GSA establishes minimum thresholds, which are quantitative values that represent groundwater conditions at representative monitoring sites that, when exceeded individually or in combination with minimum thresholds at other monitoring sites, may cause the basin to experience undesirable results.” (Cuyama, page 2)*
- *“GSA should describe the anticipated effects of the established minimum thresholds and undesirable results on the interests of beneficial uses and users and how the GSA determined that those thresholds would avoid undesirable results in the Basin.” (Cuyama, page 4)*
- *“Through review of the Plan and public comments, the Department determines that the GSA adequately responded to comments that raised credible technical or policy issues with the Plan, sufficient to warrant approval of the Plan at this time.” (Santa Cruz Mid-County, page 4; 180/400-Ft Aquifer, page 3)*
- *“Lastly, the Department’s review considers the comments submitted on the Plan and evaluates whether the GSA adequately responded to the comments that raise credible technical or policy issues with the Plan.” (180/400-Ft Aquifer, page 9 of DWR Staff Report)*

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- *“Parts of the GSPs narrative definition of an undesirable result are vague, making it difficult to assess how well the proposed MTs represent groundwater conditions that the GSAs plan to avoid...” (Chowchilla, page 5)*

General Suggestions Pertaining to All Sustainability Indicators

- Provide explicit description of the point at which effects from conditions become “significant and unreasonable”, especially for the effects that are used to define Undesirable Results criteria, and provide a clear rationale for how the Minimum Thresholds are set to avoid those conditions.
- In the event that comments were received during the Public Draft GSP comment period and on the final adopted GSP, plan for and incorporate responses to those comments in any revisions to

the GSP (i.e., either in response to DWR’s forthcoming determination letter or in the next five-year GSP update).

Chronic Lowering of Groundwater Levels

Key Excerpts from DWR June 2021 GSP Review Letters

- *“Clarify how the criteria defining when undesirable results occur in the Basin (i.e., 30 percent exceedance of minimum thresholds for two consecutive years) was established, the rationale behind the approach, and why it is consistent with avoiding the significant and unreasonable effects identified by the GSA.” (Cuyama, page 4-5)*
- *“...estimate the number and kinds of wells expected to be impacted at the minimum thresholds identified in the GSP.” (Cuyama, page 5)*
- *“...discussion should be supported using best available information such as using State or county information on well completion reports to analyze the locations and quantities of domestic wells and other types of well infrastructure that could be impacted by groundwater management when implementing the GSP.” (Paso Robles, page 3-4)*

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- *“... strongly recommends that the GSAs conduct an independent analysis of the potential impacts of proposed MOs and MTs... on active domestic and public water supply wells... and consider how those effects compare to a GSA’s definition of an undesirable result related to declining groundwater levels. In addition, the GSAs should estimate and describe the population served by the wells... which are not protected at MTs.” (Chowchilla, page 4; Merced, page 4; Tulare Lake, page 3)*
- *“the GSAs should adjust MTs ...or otherwise mitigate for impacts to wells... the GSAs could develop and implement a well mitigation plan that would lessen the significance of the impact by replacing or repairing domestic or drinking water system wells impacted by groundwater level declines as a project or management action.” (Chowchilla, page 4; Merced, page 4; Tulare Lake, page 3)*
- *“The GSP should evaluate MTs set below the Corcoran Clay and consider whether the MTs are appropriate” (Chowchilla, page 3; Merced, page 3)*
- *“In some locations, the ... MOs [are] close to or deeper than the MTs, which are based on well depths...” (Merced, page 5)*
- *“it appears that ... the GSP allows for continuing groundwater level declines past the year 2040 when the subbasin is required to reach sustainability. The GSP also appears to allow for continued long-term loss of groundwater storage and subsidence. State Water Board staff finds that the GSP’s conclusion that overdraft is sustainable is not consistent with the Sustainable Groundwater Management Act (SGMA)...” (Tulare Basin, Page 1)*

Current NCDM GSP Approach	Suggested Clarifications
<p>Effects on Beneficial Users (Section 6.3.1.1.4): “Dewatering of wells, inelastic land subsidence that can impact land use and water conveyance capacity, surface water depletions that can impact interconnected waterways, impact to productive</p>	<ul style="list-style-type: none"> • Define exact quantities of when the listed effects become “significant and unreasonable”, especially for the effects that are used to define Undesirable Results criteria.

<p>agriculture, increased pumping costs and need to dig deeper wells for municipalities, and potential needs to seek new water sources”.</p>	<ul style="list-style-type: none"> Consider developing a well mitigation plan that would lessen the impact of declines in groundwater levels by replacing or repairing domestic or drinking water system wells impacted by groundwater level declines.
<p>Definition of Undesirable Results (Section 6.3.1.1.2): “...Conditions are deemed ‘significant and unreasonable’, when groundwater elevations drop below the site-specific minimum threshold at 40 percent of representative monitoring wells in a principal aquifer in the Northern and Central Delta-Mendota Regions concurrently over a given year (7 out of 17 wells in the Upper Aquifer and/or 8 out of 18 wells in the Lower Aquifer)”.</p>	<ul style="list-style-type: none"> Clarify how the definition of the Undesirable Results will avoid specified “significant and unreasonable effects” (e.g., have to tie the 40% threshold back to the quantitative analysis of potential well impacts or subsidence and the effects on beneficial users).
<p>Setting Minimum Thresholds (Section 6.3.1.2): The Minimum Thresholds are “... set as the hydrologic low for wells perforated in the Upper Aquifer (above the Corcoran Clay) and 95 percent of the hydrologic low for wells perforated in the Lower Aquifer (below the Corcoran Clay) over the available hydrographs on record”.</p> <p>“Significant impacts are not anticipated to occur for drinking water users. Including domestic well users” when 2015 levels (historic lows) are used as minimum thresholds”.</p>	<ul style="list-style-type: none"> Clarify what is meant by “95 percent of the hydrologic low”, as it relates to the setting of Minimum Thresholds for wells perforated in the Lower Aquifer (below the Corcoran Clay). Provide quantitative justification for the MTs. For example, perform/describe a <u>well impact analysis</u> to estimate how many wells could be dewatered or how much subsidence could occur at the MTs. This should be coupled to the definition of “significant and unreasonable effects” that constitute an Undesirable Result in terms of effects on beneficial users. Confirm that the MTs are set at levels that would not allow water levels to fall below the Corcoran Clay layer. If the MTs would allow water levels to fall below the Corcoran Clay, consider raising the MTs to a higher level, above the Corcoran Clay.
<p>Measurable Objectives and Interim Milestones (Section 6.3.1.3) “The measurable objective is set at the lowest value of three parameters: the average historic seasonal high over the available hydrograph, Spring 2012 seasonal high, or Spring 2017 seasonal high.”</p>	<ul style="list-style-type: none"> Consider re-evaluating the SMCs for the RMS wells where MOs are set very close to the MTs (e.g., wells 03-003, 01-004).

Reduction of Groundwater Storage

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- “it appears that ... the GSP allows for continuing groundwater level declines past the year 2040 when the subbasin is required to reach sustainability. The GSP also appears to allow for continued long-term loss of groundwater storage and subsidence. State Water Board staff finds that the

GSP’s conclusion that overdraft is sustainable is not consistent with the Sustainable Groundwater Management Act (SGMA)...” (Tulare Basin, page 1)

- *“The GSP uses the groundwater elevation MTs developed to manage for decreasing groundwater levels as a proxy [for decrease in groundwater storage] ...; however, the GSP does not draw a direct link between the SMC for declining groundwater levels and undesirable results related to depletions of [groundwater storage]...” (corollary to ISW arguments presented in Merced, page 7; Eastern San Joaquin, page 5)*

Current NCDM GSP Approach	Suggested Clarifications
<p>Causes of Undesirable Results (Section 6.3.2.1.3): “... dramatic increases in reliance on groundwater, severe drought, or other major changes in groundwater management over time”.</p> <p>“... regulatory requirements placed on CVP and SWP operations, as well as instream flow requirements on the San Joaquin River and its tributaries”.</p>	<ul style="list-style-type: none"> • Since Undesirable Results are being tied to groundwater levels, the causes listed would be expected to be the same causes as for Chronic Lowering of Groundwater Levels rather than this new/different set of causes (or at least add this to the set of causes for Chronic Lowering of Groundwater Levels).
<p>Effects on Beneficial Users (Section 6.3.2.1.4): “...undesirable effects could include encroachment on the groundwater reserved as a drought buffer, increased cost of pumping as deeper wells are required to access groundwater, and reduction in beneficial uses”.</p>	<ul style="list-style-type: none"> • Be more specific in defining when effects of conditions related to Reduction of Groundwater Storage become “significant and unreasonable”, especially any effects that are distinct from those related to Chronic Lowering of Groundwater Levels. Without specific metrics, it is difficult to assess what magnitude of impacts is considered reasonable.
<p>Setting Minimum Thresholds (Section 6.3.2.2): “This GSP uses groundwater levels minimum thresholds as a proxy for the reduction of groundwater storage sustainability indicator”.</p>	<ul style="list-style-type: none"> • Provide technical support for the argument of correlation between groundwater levels and groundwater storage and justifying the use of MTs for Chronic Lowering of Groundwater Levels as a proxy for Reduction of Groundwater Storage, with specific consideration of the metrics associated with the definitions of MTs and Undesirable Results.

Degraded Water Quality

Key Excerpts from DWR June 2021 GSP Review Letters

- *“SGMA and the GSP Regulations do not require a GSP to address undesirable results associated with degraded water quality that occurred before, and have not been corrected by, January 1, 2015.” (Cuyama, page 7)*
- *“The Department received comments that raise credible technical issues regarding groundwater quality data that apparently were not considered when developing the GSP but are available to the public and likely, in the opinion of Department staff, to alter the GSA’s assessment of the Basin conditions. The GSA should coordinate with interested parties that submitted comments, in*

particular with the Regional Water Quality Control Board, to obtain best available information regarding basinwide water quality.” (Cuyama, page 8)

- *“(S)taff find that the approach to focus only on water quality impacts associated with GSP implementation, i.e., GSP-related projects, is inappropriately narrow. Department staff recognize that GSAs are not responsible for improving existing degraded water quality conditions. GSAs are required; however, to manage future groundwater extraction to ensure that groundwater use subject to its jurisdiction does not significantly and unreasonably exacerbate existing degraded water quality conditions. ... the analysis should be on whether groundwater extraction is causing the degradation in contrast to only looking at whether a specific project or management activity results in water quality degradation. Department staff recommend that the SVBGSA coordinate with the appropriate water quality regulatory programs and agencies ... to understand and develop a process for determining when groundwater management and extraction is resulting in degraded water quality in the Subbasin.” (180/400-Ft Aquifer, page 26-27)*
- *“Define what constitutes “average hydrogeologic conditions” and how the “long-term average over all hydrogeologic conditions” will be calculated for the consideration of undesirable results for reduction of groundwater storage and depletions of interconnected surface water.” (180/400-Ft Aquifer, page 37)*

Key Excerpts from SWRCB August 2021 GSP Comment Letters:

- *“The GSP states that only groundwater quality degradation caused by GSP implementation will constitute a MT exceedance contributing to an undesirable result but does not explain how causation will be assessed ... The GSP should outline the process the GSAs would use to decide whether GSP implementation caused or exacerbated an MT exceedance for water quality. In addition, the GSP should provide the data supporting its conclusions...” (Chowchilla, page 6; Merced, page 6; Eastern San Joaquin, page 4; Tulare Lake, page 5)*
- *“In deciding which water quality constituents to consider when setting SMC, a GSA should consider the best available water quality information for the basin...” (Chowchilla, page 6; Eastern San Joaquin, page 3; Tulare Lake, page 6)*
- *“If data indicate the contaminant is relatively widespread in the subbasin, the GSAs should develop SMCs ...” (Chowchilla, page 6; similar statements in Eastern San Joaquin, page 3, and Merced, page 5)*
- *A GSA should particularly consider whether any groundwater quality constituents in the basin may impact the state’s policy of protecting the right of every human being to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (Water Code, §106.3).” (Chowchilla, page 7; Merced, page 5; Eastern San Joaquin, page 3; Tulare Lake, page 4)*
- *“The GSP sets the MT concentrations for degraded water quality at 1000 milligrams per liter (mg/L) TDS... For TDS in drinking water, the secondary maximum contaminant level (SMCL) is 500 mg/L – the recommended maximum contaminant level – and the upper limit SMCL is 1,000 mg/L. Staff recommends that the GSP further discuss consideration of drinking water users in setting the GSP’s water quality SMC.” (Eastern San Joaquin, pages 3-4)*

Current NCDM GSP Approach	Suggested Clarifications
<p>Undesirable Results Causes (Section 6.3.3.1.3): “TDS, nitrate as N, and boron have been identified as constituents of concern and are largely the result of non-point sources”.</p> <p>“Elevated TDS and boron concentration are primarily a result of a combination of land use practices, the geochemistry of the Coast Range rocks, recharge derived from the Coast Range streams, dissolvable materials within the alluvial fan complexes, and the naturally poor-draining conditions which tends to result in accumulation of these constituents”.</p> <p>“Elevated nitrate as N is largely the result of agricultural applications of fertilizer along with leaching from naturally-occurring alluvium...”</p> <p>“Similarly, elevated boron concentrations are also the result of applied pesticides and accumulation in areas of poor drainage”.</p>	<ul style="list-style-type: none"> • Provide further explanation of how these causes relate to groundwater management activities under the purview of the GSAs, to tie in better with the justification of the MT and Undesirable Results definitions. • The GSP should outline the process the GSAs would use to decide whether GSP implementation caused or exacerbated an MT exceedance for water quality.
<p>Undesirable Results Justification (Section 6.3.3.1.1) “Total Dissolved Solids (TDS), nitrate ..., and boron ... were selected based on available data, the potential to impact existing or future groundwater use, the ability to address groundwater quality impacts through projects and/or management actions, and the source of the constituent”.</p> <p>“While other constituents of concern are known to exist in the Delta-Mendota Subbasin (such as arsenic, selenium, and hexavalent chromium), concentrations of these constituents do not appear to be linked to groundwater elevations or other groundwater-related management activities”.</p>	<ul style="list-style-type: none"> • Be more specific in defining when the listed effects become “significant and unreasonable”, especially for the effects that are used to define Undesirable Results criteria. • The NCDM GSP (Section 5.3.5) states that other constituents of concern include arsenic, selenium, and hexavalent chromium are present in the NCDM Region but that they are naturally occurring and “do not appear to be linked to groundwater elevations ... [and] ... (t)here are no specific projects and/or management practices that can be implemented to mitigate for these constituents (other than groundwater treatment ... [and] therefore, the constituents are not considered manageable as part of this GSP.” Suggest providing additional citation to datasets, sources and analysis that demonstrate the lack of correlation described above. • Consider directly addressing the human right to water (Water Code, §106.3).
<p>Setting Minimum Thresholds (Section 6.3.3.2): “The minimum thresholds for the degraded water quality sustainability indicator are set as the upper Secondary MCL for TDS (1,000 mg/L)... [MCLs] ... or current groundwater quality as of December 2018 for both the Upper Aquifer and Lower Aquifer if the listed MCL or WQO is already exceeded”.</p>	<ul style="list-style-type: none"> • The provision of SGMA related to not requiring GSPs to address “pre-existing” undesirable results (California Water Code § 10727.2(b)(4)) applies to undesirable results that existed as of January 1, 2015, not December 2018, and thus the use of the greater of MCLs, WQOs, or observed levels as of December 2018 may not be acceptable. Suggest revising this component of the Minimum

	<p>Thresholds definition to refer to 1 January 2015 rather than December 2018.</p> <ul style="list-style-type: none"> The SWRCB questioned the use of the upper Secondary MCL (1,000 mg/L) as the minimum threshold for TDS. Consider providing a stronger argument for using 1,000 mg/L that considers the impacts to drinking water users.
<p>Undesirable Results Criteria (Section 6.3.3.1.2): “Groundwater quality exceeds Maximum Contaminant Levels (MCLs) or water quality objectives (WQOs) for TDS, nitrate, or boron over three (3) consecutive sampling events in non-drought years, or additional degradation of current groundwater quality where current groundwater quality exceeds the MCLs or WQOs”.</p>	<ul style="list-style-type: none"> Provide explicit definition of “non-drought years” so that conditions under which an Undesirable Result is possible are clearly defined. Unclear how many wells in the Representative Monitoring Network would have to exceed the MT criteria before there was an Undesirable Result. Provide quantitative justification for the definition of “significant and unreasonable effects” that constitute an Undesirable Result in terms of effects on beneficial users.

Land Subsidence

Key Excerpts from DWR June 2021 GSP Review Letters

- “Department staff believe there is sufficient data to indicate the potential of [interconnected surface water]² in the Subbasin that warrants and requires setting initial sustainable management criteria that may be reevaluated and potentially modified as new data become available. Not developing criteria limits the ability of Department staff to assess whether the Subbasin is being, or will be, sustainability managed within 20 years.” (Paso Robles, page 8)

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- “If water levels are allowed to drop below the Corcoran Clay, this would result in the near-surface unconfined aquifer being completely dewatered in this area. Additionally, subsidence could occur due to dewatering of the clays.” (Chowchilla, page 3; Merced, page 3)

Current NCDM GSP Approach	Suggested Clarifications
<p>Setting Minimum Thresholds (Section 6.3.5.2): For the WSID-PID MA: “Acceptable loss in distribution capacity (as based on a future capacity study) due to inelastic land subsidence resulting from groundwater pumping. Numerical values for this criterion to be determined based on data collection between 2020 and 2025”.</p>	<ul style="list-style-type: none"> Not setting any MTs for Land Subsidence in the WSID-PID MA (i.e., having them to-be-determined [TBD]) may not be acceptable to DWR. Suggest providing some interim MT that could be refined in the future. Explain in greater detail how the data to be collected between 2020 and 2025 (i.e., the capacity study) will be used to develop MTs for Land Subsidence.

² While the DWR comment excerpt shown here is related to Interconnected Surface Water, the same logic would presumably also apply to Land Subsidence.

	<ul style="list-style-type: none"> • Confirm that the groundwater level MTs are set at levels that would not allow water levels to fall below the Corcoran Clay.
<p>Undesirable Results Criteria (Section 6.3.5.1.2): For the WSID-PID MA: “Significant impacts occur to laterals from differential settlement that reduces the ability to deliver surface water supplies”.</p>	<ul style="list-style-type: none"> • Specify what amount of capacity reduction in the WSID-PID MA would be considered “significant and unreasonable”. Without specific metrics, it is difficult to assess what magnitude of impacts is considered reasonable.

Depletions of Interconnected Surface Water

Key Excerpts from DWR June 2021 GSP Review Letters

- *“If the GSAs cannot provide a sufficient, evidence-based justification for the absence of interconnected surface water, then they should develop sustainable management criteria, as required in the GSP Regulations, 41 based on best available information and science.” (Paso Robles, page 8)*
- *“Department staff find that the sustainable management criteria currently presented in the GSP (i.e., not defining and establishing criteria) is not commensurate with the level of understanding of the basin setting.” (Paso Robles, page 7)*
- *“If data are not available to support evaluation of the effects of established minimum thresholds on environmental uses and users, the GSA should clarify the strategy, mechanism, and timeline for acquiring that data and incorporating that data into management of the Basin.” (Cuyama, page 5)*
- *“The Plan explains that, due to uncertainty in surface water-groundwater modeling and the complexities involved with determining stream depletions due to groundwater use, the Basin will use shallow near stream groundwater levels as proxy for minimum thresholds of depletions of interconnected surface water. ... The Plan recognizes the limited monitoring data as a data gap and discusses the complexities of significantly correlating stream depletions and shallow groundwater levels. ... (T)he Plan states that to better characterize interconnections between surface water and groundwater, additional monitoring of shallow groundwater levels is needed in the upper reaches of Soquel Creek and on other creeks that indicate hydraulic connectivity to groundwater. ... Department staff also believe the MGA uses the best information and science available at the time of Plan development to understand hydraulic connectivity of surface water in the Basin and proposes actions to address the data gaps that appear reasonable.” (Santa Cruz Mid-County, page 24-25 of DWR Staff Report)*

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- *“The GSP identifies interconnected stream reaches through numerical modeling but does not adequately characterize the locations, quantity, and timing of interconnected surface water (ISW) depletions.” (Merced, page 6)*
- *The GSP uses the groundwater elevation MTs developed to manage for decreasing groundwater levels as a proxy to also manage depletions of ISW in the Merced River; however, the GSP does not*

draw a direct link between the SMC for declining groundwater levels and undesirable results related to depletions of ISW.” (Merced, page 7; Eastern San Joaquin, page 5)

- *“State Water Board staff recommends that shallow groundwater level MTs for depletions of ISW be supported by considerations of the locations, quantity, and timing of depletions and impacts to beneficial users.” (Eastern San Joaquin, page 5)*
- *“Staff recommends the GSAs develop additional ISW monitoring sites in a timely manner, especially along the Merced and San Joaquin Rivers, and set meaningful SMC for depletions of ISW.” (Merced, page 7)*
- *“...the GSP also acknowledges data gaps and uncertainty regarding the hydraulic connectivity between shallow groundwater, deep groundwater and surface water. State Water Board staff recommends that the GSAs use data from additional shallow groundwater wells to clarify the Hydrogeologic Conceptual Model...if the additional data does not support the use of deeper groundwater elevations as a proxy for depletions of ISW, then State Water Board staff recommends that the GSP establish Sustainable Management Criteria based on the volume, rate, and timing of surface water depletions caused by groundwater pumping.” (North and South Yuba, page 3-4)*

Current NCDM GSP Approach	Suggested Clarifications
<p>Undesirable Results Definition (Section 6.3.6.1.2): “... when interconnected stretches of surface water are identified and a significant increase in the depletions of surface water is occurring as a result of groundwater pumping”.</p> <p>“The percent increase in depletions considered significant, identified herein as ‘X’, is to be determined from monitoring data to be collected between 2020 and 2025 and associated analysis of these data”.</p>	<ul style="list-style-type: none"> • Provide quantitative definition of when effects become “significant and unreasonable”. Without specific metrics, it is difficult to assess what magnitude of impacts is considered reasonable.
<p>Minimum Thresholds Definition (Section 6.3.6.2): “An X percent increase in surface water depletions along interconnected stretches of surface water as a result of groundwater pumping, where ‘X’ is the present increase in depletions to be determined from monition data collected between 2020 and 2025 and associated analyses of these data”.</p>	<ul style="list-style-type: none"> • Having MTs for Depletion of Interconnected Surface Water be to-be-determined (TBD) may not be acceptable to DWR. Suggest providing some interim MTs that could be refined in the future. • A strong technical case must be made that groundwater levels can be used as a proxy for setting SMCs for Interconnected Surface Water.
<p>Justification of Minimum Thresholds (Section 6.3.6.2): “Data collected from wells within the depletions of interconnected surface water monitoring network and stream gauges located along the San Joaquin River between 2020 and 2025 will be analyzed to determine the location, timing, and quantity of depletions over reaches of interconnected surface water within and/or adjoining the Northern and Central Delta-Mendota Regions”.</p>	<ul style="list-style-type: none"> • Given that the required infrastructure does not exist at this point, the GSAs will not be able to demonstrate that they collected data beginning in 2020 that will be used to develop MTs for Depletions of Interconnected Surface Water. • The GSAs should continue to prioritize development of the ISW monitoring network to enable collection of data to support SMC development, including wells and stream gauges.

Water Budget

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- *“Because the GSP is required to use a 50-year planning horizon, staff recommends the [GSAs] incorporate strategies in the GSP that anticipate potential changes to the subbasin-wide water budget from Bay-Delta Plan implementation...” (Eastern San Joaquin, page 8; Merced, page 8)*

Current NCDM GSP Approach	Suggested Clarifications
The GSP does not mention the Bay-Delta Plan update or consider it in the water budget.	<ul style="list-style-type: none"> • Consider the Bay-Delta Plan update in the water budget section of the GSP and how it could affect the availability of surface water and the water budget within the GSP area.

Projects and Management Actions

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- *“Implementing some of the projects identified in the GSP may require new or amended water rights. If a project would rely on existing water rights, the GSAs should identify the water right identification numbers and other relevant details. It may be unreasonable for the GSP to assume that projects that currently lack adequate water rights for implementation can obtain either new water rights or modifications to existing water rights within a timeframe that will allow the project to contribute to the GSP achieving sustainability.” (Chowchilla, page 7; Merced, page 10)*
- *“The GSP should also identify alternative groundwater management strategies to achieve sustainability (e.g., demand reduction), if anticipated water supplies such as purchases or new or amended water rights are unsuccessful. This would ensure the GSAs can effectively evaluate when they should move towards implementing such contingency projects or management actions if primary projects or management actions are not implemented on projected timelines. To this end, the GSP should also identify well-developed demand management options with clearly defined triggers in the event that proposed supply augmentation volumes are not fully achieved.” (Chowchilla, page 8)*
- *“The GSP lacks specific information regarding how the GSAs will evaluate new permits, address possible impacts from new permits, or work with the county to address concerns. As encouraged by the Sustainable Groundwater Management Act (SGMA), GSAs should request counties forward permit requests for new wells, for enlarging of existing wells, or for reactivation of abandoned wells” (Chowchilla, page 6; Merced, page 9). “State Water Board staff recommends that GSAs work with county governments to encourage alignment between the GSP and county well permitting programs.” (Tulare Basin, Page 4)*

Current NCDM GSP Approach	Suggested Clarifications
<p>Increasing GSA Access to and Input on Well Permits (Section 7.1.1.2.3) “Under this management action, the Counties would develop and/or change internal policies associated</p>	<ul style="list-style-type: none"> • The GSAs should continue to prioritize the development of a process to evaluate new well permits and address possible impacts from new

<p>with well permitting to include consultation with and consideration of input from GSAs relative to if and where a proposed well would be located”.</p>	<p>wells.</p>
<p>Projects and Management Actions (Section 7.1) SLDMWA GSP mentions existing water rights that are relevant for projects, but does not provide water right identification numbers or the timing and uncertainties of obtaining new rights or modifying existing ones.</p>	<ul style="list-style-type: none"> • Clarify whether water rights are required for projects. If existing water rights are required, specify the identification number. If new or modified rights would be required, discuss how obtaining water rights impacts the feasibility and timeframe of the project.

Stakeholder Engagement

Key Excerpts from SWRCB August 2021 GSP Comment Letters

- *“The GSP should be more explicit about how the concerns of local beneficial users, particularly disadvantaged communities reliant on groundwater, and other stakeholders were integrated into the development of SMC and monitoring networks and selection of RMS and projects and management actions.” (Chowchilla, page 9; Merced, page 11; Tulare Lake, page 9)*
- *“The GSP states that no California Native American Tribes are present in the subbasin; however the GSP does not describe the GSAs’ process for identifying or reaching out to Tribes with potential interests in groundwater management in the subbasin...The GSP should elaborate on the GSAs tribal engagement effort.” (Chowchilla, page 9; Merced, page 11)*

Current NCDM GSP Approach	Suggested Clarifications
<p>SLDMWA GSP describes engagement for SMC development but lacks description on how beneficial users were integrated into RMS selection, monitoring network development (Section 7.2.5.1.1), and projects and management actions (Section 7.1).</p>	<ul style="list-style-type: none"> • Add descriptions on how beneficial users were integrated into RMS selection and monitoring network development (Section 7.2.5.1.1), and Projects/Management Actions (Section 7.1).
<p>Regional Economic Issues and Trends (Section 2.1.2.6) “Note that according to the U.S. Department of the Interior Indian Affairs, as of January 2017 there are no listed recognized tribes within the Region”.</p>	<ul style="list-style-type: none"> • Even though no Tribes exist within the basin, suggest describing any outreach or effort that was made to involve Tribes that have potential interests in the basin.

Funding Opportunities – Updated 12/2021

DWR's Small Community Drought Program will provide immediate and short-term financial and technical support to small communities survive the current and future droughts. Applications will be accepted until 12/29/23 or until funds are exhausted. Irrigation districts, flood control districts, reclamation districts, and community services districts are among eligible entities to receive this funding.

Healthy Soils Program – Demonstration Projects funds activities that collect data or showcase management practices that reduce GHG emissions and increase soil health and sequester carbon. Total funding pool \$67.5 Million. Deadline 12/31/21

CA Dept. of Food and Agriculture State Water Efficiency and Enhancement Program. Up to \$200,000 for irrigation-related on-farm improvements that will result in water savings and GHG emission reductions. CDFA will reserve 25% of the funds for socially disadvantaged farmers and ranchers (SDFRs) and projects that benefit [priority populations](#) by reducing criteria air pollutants from fossil fuel combustion. Additionally, \$2 million will be reserved for applications that utilize the sub-surface drip irrigation to apply dairy manure effluent to field crops. Accepting applications now with a deadline of 1/18/22.

SGMA Implementation Round 1. A non-competitive funding opportunity for all critically over drafted subbasins. \$7.6 Million per basin. Must generally support SGMA implementation including both projects and GSP revisions in response to DWR comments. Some limitations apply. 1/31/22 noon deadline to submit funding plan in DWR template.

Urban and Multi-benefit drought relief program. To address immediate drought impacts on human health and safety, and to protect fish and wildlife resources plus other public benefits, such as ecosystem improvements Draft PSP and guidelines anticipated soon. Companion program to the small community drought program listed above.

Healthy Soils Program – Incentives. Similar to the demonstration project offering above, except it provides incentives to farmers to adopt conservation practices that improve soil health, sequester carbon, and reduce GHG. Total funding pool of \$67.5 Million. Deadline 2/25/22.

CA Dept. of Parks and Recreation has seven categories of funding under their Habitat Conservation Fund including Wetlands and Riparian Habitat. \$6 Million is available through the program. The deadline is 3/1/22.

GSP Implementation Schedule Northern & Central Delta-Mendota GSP Region

3-MONTH LOOK-AHEAD SCHEDULE

TASK	RESPONSIBLE PARTY	START	END	DEC					JAN				FEB				MAR				APR		
				WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1		
BASIN-SCALE COORDINATION																							
Annual Report																							
WY2021 DM Consolidated Annual Report	W&C / Basin GSAs	10/20/21	4/1/22																				
Intra-Basin Coordination																							
Coordination Committee	Basin GSAs	Quarterly/Monthly			■																		
DM Technical Working Group	Basin GSAs	As-needed			■																		
DMS Working Group	Basin GSAs	As-needed																					
Inter-Basin Coordination																							
Inter-Basin Coordination Meetings	Basin GSAs / Stantec	6/1/20	6/30/22																				
Prop 68 Coordination																							
Grant Administration ^(a)	WSID / W&C	6/1/20	4/1/22																				
Well Census and Inventory	Basin GSAs / P&P	7/15/20	12/31/21																				
Subsidence Characterization and Feasibility Study ^(a)	Basin GSAs / GSI	12/21/20	3/1/22																				
SGM Grant Application																							
Develop Project List and Ranking in Required Format	Basin GSAs	10/14/21	12/16/21																				
Prepare Application Materials	Basin GSAs / TBD	12/1/21	1/31/22																				
N-C REGION COORDINATION / ADMINISTRATION																							
Annual Report																							
WY2021 NCDM Annual Report	W&C / NC GSAs	10/20/21	4/1/22																				
N-C Coordination Meetings																							
Northern and Central Region Mngmt Committees Meetings	GSAs	Monthly				■																	
Northern Region Management Committee Meetings	GSAs	As-needed																					
Central Region Management Committee Meetings	GSAs	As-needed																					
Technical/Finance Working Group Meetings	GSAs	TBD																					
Quarterly GSP Progress Checks																							
GSP Implementation Progress Reports (Tracking Tools)	GSAs	Tri-Annually																					
Quarterly GSP Implementation Update Reports	W&C	Quarterly																					
N-C REGION GSP IMPLEMENTATION																							
Water Level Monitoring																							
Collect Spring Water Level Data	GSAs / SLDMWA	2/1/22	4/30/22																				
Fall Data Consolidation/Upload to DMS/SGMA Portal	GSAs / W&C	10/31/21	12/31/21																				
Install New Monitoring Wells	GSAs	7/1/20	6/30/22																				
Interconnected Surface Water Monitoring																							
Install/Identify New Monitoring Wells	WSID / PID / NWDM	3/1/20	6/30/22																				
Meet with Adjoining GSP Groups	WSID / PID / NWDM	As-needed																					
Projects^(a)																							
Los Banos Creek Recharge and Recovery Project	SLWD	PD Complete	TBD																				
Kaljia Drainwater Reuse Project	SLWD	3/1/20	12/31/25																				
Orestimba Creek Recharge and Recovery Project	DPWD	3/1/20	12/31/24																				
NVRRWP – Increased Modesto and Turlock Portions ^(b)	DPWD	Complete																					
Percolation Ponds for Stormwater Capture and Recharge	City of Patterson	TBD	TBD																				
WSID Lateral 4-North Recapture and Recirculation Reservoir ^(c)	WSID	FS in 2021	TBD																				
Revision to TRID Lower Aquifer Pumping ^(d)	TRID	On-going																					

GSP Implementation Schedule Northern & Central Delta-Mendota GSP Region

3-MONTH LOOK-AHEAD SCHEDULE

TASK	RESPONSIBLE PARTY	START	END	DEC					JAN				FEB				MAR				APR
				WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1	WEEK 2	WEEK 3	WEEK 4	
Management Actions^(a)																					
Lower Aquifer Pumping Rules for Minimizing Subsidence	GSA	6/25/20	12/31/22																		
Maximize Use of Other Water Supplies	GSA	6/25/20	12/31/25																		
Increasing GSA Access to and Input on Well Permits	GSA	6/11/20	12/31/22																		
Drought Contingency Planning in Urban Areas	GSA	Complete																			
Fill Data Gaps	GSA	2/1/20	12/31/25																		
Additional GSP Activities																					
USGS / Basin Model	USGS/USBR	3/1/20	6/30/22																		
Project Management and Communication	SLDMWA / EKI	3/1/20	2/28/22																		
As-Needed Technical Support	EKI / W&C	3/1/20	2/28/22																		

Abbreviations

- | | | |
|---|---|--|
| DMS = Data Management System | GSP = Groundwater Sustainability Plan | USBR = United States Bureau of Reclamation |
| DM = Delta Mendota | NVRRWP = North Valley Regional Recycled Water Program | USGS = United States Geological Survey |
| DPWD = Del Puerto Water District | P&MA = Projects and Management Actions | W&C = Woodard & Curran |
| EKI = EKI Environment & Water, Inc. | PD = Preliminary Design | WSID = West Stanislaus Irrigation District |
| FS = Feasibility Study | PID = Patterson Irrigation District | WY = Water Year |
| GSA = Groundwater Sustainability Agency | P&P = Provost & Pritchard | |

Notes

- (a) Prop 68 Grant Coordination activities extend through 4/1/2022; Projects and Management Actions extend through 2025.
- (b) Portion of project is complete. Increased supply of recycled water expected.
- (b) Needs to be coordinated with Orestimba and Del Puerto Creek projects.
- (d) In operation starting in 2017.

Key Dates

- December 9, 2021: DWR Letter - Preliminary Evaluation and Update on Subbasin GSPs
- December 13, 2021: Subbasin Coordination Committee Meeting
- December 15, 2021: Internal Deadline for Subbasin GSP Groups to Upload Water Use Data for WY 2021 to DMS
- December 16, 2021: Northern & Central Regions Management Committees Meeting
- December TBD, 2021: DWR to Issue Proposal Solicitation Package for SGM Round 1 Implementation Grant Application
- December 31, 2021: Deadline for GSP Groups to Upload Seasonal Low Water Level Data to the DMS and DWR's SGMA Portal
- January 10, 2022: GSP Groups Submit Well Census & Inventory Reports to SLDMWA
- January TBD, 2022: Subbasin Technical Working Group and Coordination Committee Meeting (Update from GSI Environmental on Subsidence Characterization Study)
- January TBD, 2022: Subbasin Coordination Committee Meeting
- January 23, 2022: DWR to Issue Final Determination and Assessment of Subbasin GSPs
- January 27, 2022: Northern & Central Regions Management Committees Meeting
- January 31, 2022: Subbasin Submittal of SGM Round 1 Implementation Grant Application to DWR
- February TBD, 2022: Subbasin Coordination Committee Meeting
- February 24, 2022: Northern & Central Regions Management Committees Meeting
- March TBD, 2022: Subbasin Coordination Committee Meeting
- March 24, 2022: Northern & Central Regions Management Committees Meeting
- April 1, 2022: Submit Annual Report to DWR for WY 2021
- April 30, 2022: Conclusion of Delta-Mendota Subbasin Proposition 1/68 Grant Agreement with DWR