



## Steering Committee Meeting

### AGENDA

Wednesday, August 10th 2022

8:30 a.m. – 10:00 a.m.

San Joaquin County Robert J. Cabral Agricultural Center  
2101 E. Earhart Avenue, Stockton, CA 95206

- I. **Call to Order/Pledge of Allegiance & Safety Announcement/Roll Call**
- II. **Scheduled Items -**
  - A. Discussion / Action Items:
    1. Approval of July 13, 2022 [Meeting Minutes](#)
    2. Revised GSP Submittal to DWR & GSA Adoption; [Public Comments Received](#) (Attachment A, Staff Report and Letters)
    3. SGMA Implementation Grant (\$7.6M) Between ESJGWA & DWR
    4. Project List Update ([Attachment B, Proposal](#)), SGMA Grant Round 2
    5. Water Accounting Framework ([Attachment C- Draft Work Plan Work Flow](#))
      - a. Status and Discussion
      - b. General Work Plan and Time Line
- III. **Staff/DWR Reports**
  - A. Staff
    1. Cost Allocation Invoices to GSAs
    2. Well Permitting
    3. Executive Order: CEQA and Permit Streamlining
  - B. DWR
- IV. **Public Comments**
- V. **Directors comments**
- VI. **Future agenda Items**
- VII. **Adjournment**

**EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY**  
**Board of Directors Meeting**  
**AGENDA**  
*(Continued)*

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**Next Regular Meeting**  
Wednesday, September 14th, 2022  
8:30 a.m. – 10:00 a.m.  
San Joaquin County Robert J. Cabral Agricultural Center

**Action may be taken on any item**

*Agendas and Minutes may also be found at <http://www.ESJGroundwater.org>*

*Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact*

## Eastern San Joaquin Groundwater Authority Steering Committee Meeting Minutes

Wednesday, July 13, 2022

### Discussion/Action Items:

#### I. Call to Order/Roll Call

The Eastern San Joaquin Groundwater Authority (GWA) Steering Committee meeting was held at the San Joaquin County Robert J. Cabral Agricultural Center in Stockton, California (2101 E. Earhart Avenue Conference Rm 1). At approximately 8:42 a.m. roll call was taken of members only.

In attendance were Directors Mike Henry; Robert Holmes, Tom Flinn, and Alternate Directors Walter Ward and Andrew Watkins. Reminders were provided to the attendees regarding meeting procedures.

Motion: Andrew Watkins

2<sup>nd</sup>: Robert Holmes

#### II. Scheduled Items – Presentation Materials to be Posted on ESJGroundwater.org and Emailed.

##### A. Discussion/Action Items

##### 1. Approval of the June 1<sup>st</sup> meeting minutes

No amendments to the minutes.

Motion: Alternate Director Andrew Watkins

2<sup>nd</sup>: Secretary Fritz Buchman

With no Opposed or Abstains, the minutes were approved unanimously.

##### 2. Executive Order N -7-22 GSA and SJC EHD Compliance Efforts

Mr. Zidar of San Joaquin County stated the intent is that there will be no impact to municipal or domestic wells. All of the GSAs have adopted their own process to make the determination of consistency with the Groundwater Sustainability Plan (GSP) within their area. There are several permits pending and there may be concerns that permits are not coming out fast enough. Secretary Buchman commented that there are 16 or 17 permits/ pending applications, and that Environmental Health has engaged a consultant to help with the analysis of these well applications.

Alternate Director Watkins commented neighboring wells could affect the GSA findings. Brandon Nakagawa of SSJID provided comments regarding the common process for a well permitting, noting that it is a ministerial process, and it should remain this way; if a well meets the state and local standards, Environmental Health issues a new well permit. We want to avoid a discretionary

permit process since it would create other issues (CEQA) that may have significant fiscal impacts and result in permitting delays. Mr. Zidar noted that there was legislation in the current session that could memorialize the Executive Order requirements (AB 2201). There was also legislation to require GSAs to mitigate any impact to private domestic wells should these occur, and this would be without cost to the impacted party. This legislation did not make it out of committee. Secretary Buchman indicated County Counsel is aware of the desire to keep the process ministerial. Mary Elizabeth of the Sierra Club commented that Zone 2 money should be set aside to assist with establishing a program where the public can locate wells and see if their wells are impacted by other wells.

### 3. SJC Drought Response and Situation Report

Mr. Zidar discussed the Office of Emergency Services (OES) drought response and situational status report which provides information regarding what is happening in the County and the response to drought. For example, 14 wells were permitted in June whereas in 2015, there were 275 well permits issued (peak) & most were domestic. Snowpack is the reservoir. Lake Comanche is at 53% of capacity; New Hogan and New Melones are at 33% of capacity.

Water Conservation: San Joaquin County is currently in Stage 1 requirements though we are moving to Stage 2. Director Flinn commented that the report looks like it was created by OES 3 or 4 years ago. He suggested adding Lake Pardee with exported water information to get a real water picture. Mr. Zidar noted that DWR has done a great job of making information available and that this report and the State's web page provide an aggregated state snapshot. Brandon Nakagawa of SSJID commented that the number of wells correlates to development activity and the economy. Dry wells are more a function of age and are not always due to lower groundwater levels. It was noted that those were important points. Alternate Director Watkins commented that if you must deepen a well you have to drill a new well.

Mary Elizabeth of the Sierra Club commented that California Water's service area is not included in this OES report or considered. She mentioned the OES agreement with Self-Help Enterprises to get assistance through the OES, but the GWA website does not provide this information. She said there should be outreach for well users in the County and it is not happening. It was noted that the Self Help Program just got going and that this program was developed via Fresno State working with the Valley Water Coalition. OES sent out a letter requesting support for filling water trucks that would deliver water to those experiencing issues with dry wells. Alternate Director Watkins stated that Stockton East is supporting this and that it is in the works.

### 4. Discussion and debrief on DWR Comment and Response

Mr. Zidar commented that he has not heard from Woodbridge Irrigation District and that Calaveras County didn't pass because a proposed project didn't get to the GSP. He is working with both parties to move the adoption of the Revised GSP. Director Henry wants that data regarding the status of adoptions sent to all GSAs, so everyone is aware (of timing and activities). Christy McKinnon of Stanislaus County stated it was difficult to update the project list and asked GWA for something to ensure the applicant that their project can be included in the GSP and grant

application. Mr. Zidar stated we are not adding projects at this time but there will be a subsequent 'call for projects' to all GSAs either prior to the next grant cycle or before the annual report but noted that there is not time to do anymore edits to the Revised GSP at this time. Secretary Buchman suggested checking with DWR to see about making minor administrative amendments and the process for updating the project list. Mr. Zidar would like to explore that in more depth at another meeting, including minor updates & expectations for GWA policy

#### **5. SGMA Implementation Grant DWR/GWA Agreement and Local Project Sponsor Agreements**

Mr. Zidar indicated the DWR/GWA grant agreement for \$7.6M for San Joaquin County, City of Stockton, and North San Joaquin Water Conservation District (the local project sponsors) is being coordinated with DWR. We will need to have Board action on the agreement and the Local Project Sponsor agreements between the GWA and those awarded funding. DWR has been doing a great job in quickly making the money available to grantees.

#### **6. Dream Project Status and Briefing**

Mr. Zidar informed the Committee that the Eastern Water Alliance (NSJWCD, SEWD, CSJWCD) holds the export permit for the Dream project. The Board of Supervisors issues the export permit. A monitoring Committee ensures compliance with the permit conditions. Director Flinn stated that the real key has been developing partnerships between EBMUD and the local agencies. Next phase is to evaluate expansion of the project concept and negotiate w/ EBMUD and that they (NSJWCD) are open to that. What is the role of the County? Mr. Zidar replied that we are matchmakers and cheerleaders that seek to ensure that the maximum benefits are achieved for the basin pursuant to the GSP. Secretary Buchman commented that there was a meeting with EBMUD at the ACWA Conference and that County is a convener for the 1<sup>st</sup> phase and has a leadership role and that of a potential partner in the next phase related to developing the Mokelumne River Water Right held by the Mokelumne River Water and Power Authority.

Brandon Nakagawa commented that that while there is a lot of money there is a loss of staff aging out, so how do we bring together the resources to implement plans? We need to find and allocate the resources to implement project management actions.

### **III. Staff Reports, State of California Department of Water Resources**

Chelsea Spier will provide the report at the GWA Board meeting, due to this meeting's time constraints.

### **IV. Public Comments**

Mary Elizabeth of the Sierra Club commented that earlier this week the DWR workshop on climate change used New Hogan as an example of precipitation changes noting there could be a 11% reduction. She further mentioned the 2017 San Joaquin County & Cal Water Memoranda of Agreement which expires 2 years after GSP adoption and inquired if there is another agreement in force. She also suggested evening meetings, so people do not have to take time off work to be engaged in the process.

### **V. Director Comments**

Director Henry commented that it would be wise to pay attention to annual reports. Mr. Zidar encouraged GSAs to update their project descriptions.

**VI. Future Agenda Items**

Mr. Zidar commented that for future Agenda Items we will focus on DWR comments and GSP implementation of the revised project management actions. We will work with the TAC to bring recommendations to the Steering Committee regarding the Water accountability Framework (WAF) and Funding Strategies, and how the GWA AD Hoc Committees are to hold us accountable, get alignment on the purpose of the WAF, make the best use of resources, and develop a work plan.

**VII. Adjournment**

Motion to Adjourn: Director Holmes

2<sup>nd</sup>: Alternate Watkins

Meeting was Adjourned at 10:30am



**Memo**

**To: Steering Committee**

**From:** Matt Zidar, Water Resources Manager

**RE:** Revised GSA Submittal and Comments (**Attachment A**)

**Date:** August 3, 2022

**Agenda Item:** II.1.A

**Summary:** the Revised GSP was submitted July 27, 2022, and DWR acknowledged receipt. Some public comments have been submitted to DWR and are attached.

Attachment: Public comments

**Details:**

DWR draft comments on the Eastern San Joaquin Groundwater Sustainability Plan were received in November 2021 and final comments provided in January 2022. The GSP was found to be incomplete based on two areas of deficiency. DWR recommended corrective actions. The GWA board directed the formation of a Legal Ad Hoc Committee and reconfiguration of the Technical Advisory Ad Hoc Committee to work with staff and the consultant team (Woodard & Curran) to address the corrective actions which would provide a basis for the Revised GSP,. The intent to revise the GSP was duly noticed 90 days prior to GSA actions to adopt the plan. Drafts of the materials were provided to the GSAs and the GWA held public meetings to review draft materials starting in November and on through July 13, 2022, when the GWA adopted a resolution to accept the Revised GSP and Direct the Secretary to Submit the Plan to the California Department of Water Resources on Behalf of the Member Agencies. Each GSA then held duly noticed public hearings to adopt the plan. All of the GSAs adopted the GSP prior to the July 27<sup>th</sup> GWA response deadline. DWR is now holding a 60-day public review and comment period. Comments have been submitted regarding the revised GSP and these are attached. Issues identified are related to the public engagement process, surface water/groundwater interaction, groundwater dependent ecosystems, the sustainable management criteria, protection of wells and mitigation of potential impacts and related items.



# ENVIRONMENTAL LAW FOUNDATION

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Nathaniel Kane, Executive Director • [nkane@envirolaw.org](mailto:nkane@envirolaw.org)

July 13, 2022

**Via E-mail**

Eastern San Joaquin Groundwater Authority  
1810 E. Hazelton Avenue  
P. O. Box 1810  
Stockton, CA 95201  
[ESJgroundwater@sjgov.org](mailto:ESJgroundwater@sjgov.org)  
[kmsmith@sjgov.org](mailto:kmsmith@sjgov.org)

**Re: Provisional Comments on Proposed Approval of Revised ESJ GSP by  
ESJ Groundwater Authority**

To Whom It May Concern:

Environmental Law Foundation (ELF) represents the California Sportfishing Protection Alliance (CSPA) and submits these comments on CSPA's behalf. We provide the following comments opposing approval by the Eastern San Joaquin Groundwater Authority ("ESJ GA") of the revised Groundwater Sustainability Plan for the Eastern San Joaquin Subbasin ("Revised GSP").

**The ESJ GA Has Failed to Provide Adequate  
Opportunities for Public Participation**

On or about June 27, 2022, the Revised GSP along with four supporting technical memoranda was posted on the ESJ GA's website without any notice of hearing or defined comment period. At some point before July 11, a notice of hearing for adoption of a resolution approving an amended GSP was posted for public view. The hearing is scheduled for July 13, 2022 at 10:30 a.m. The agenda for the hearing and draft resolution approving the GSP appear to contemplate submission of written comments but provides no mechanism to do so.<sup>1</sup> The Revised GSP is 413 pages, the appendices are 1,276 pages, and there are lengthy new technical memoranda. The four technical memoranda, however, appear to have been removed from the ESJ GA website at some point prior to July 12, 2022, despite the resolution for approval of the Revised GSP stating that they are available online. Thus, the public has approximately three weeks to review more than two thousand pages of material and provide comments. And some of the documents have now

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<sup>1</sup> The agenda is available at [http://www.esjgroundwater.org/Portals/0/%2820220713%29%20GWA%20BOARD%20AGENDA%20PACKAGE\\_ac2\\_1.pdf](http://www.esjgroundwater.org/Portals/0/%2820220713%29%20GWA%20BOARD%20AGENDA%20PACKAGE_ac2_1.pdf) (accessed July 12, 2022.)



disappeared, in violation of Government Code section 54957.5, subdivision (b). In addition, as detailed in the attached letter from the Delta-Sierra Group of the Sierra Club and Restore the Delta, the public engagement process for this revision has been almost nonexistent.

As a result, the hearing on July 13 does not provide the public an opportunity to exhaust any “administrative remedies” that may exist. At the outset, SGMA has no statutory exhaustion requirement, and CSPA’s submission of this comment letter should not be construed as an acknowledgement by CSPA that an administrative remedy exists under SGMA. As the courts have held, “[I]f the Legislature has not provided an administrative remedy, or the administrative remedy is not effective, the exhaustion requirement is not applicable.” (*Cal. Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1151.) In instances where “no forum or administrative remedy is afforded for the issues raised, recourse to the local administrative agency is not required before initiation of court action.” (*Park ’N Fly of San Francisco, Inc. v. City of South San Francisco* (1987) 188 Cal.App.3d 1201, 1209.) “[W]hen an administrative remedy is provided by statute, relief must be sought from the administrative body and this remedy exhausted before the courts will act.” (*Abelleira v. Dist. Court of Appeal* (1941) 17 Cal.2d 280, 292, emphasis added.) Moreover, the statutory remedy must be an “effective” one for the exhaustion requirement to apply: an administrative remedy is required to be exhausted “in those instances where the administrative body is required to actually accept, evaluate and resolve disputes or complaints.” (*City of Coachella v. Riverside County Airport Land Use Com.* (1989) 210 Cal.App.3d 1277, 1287.)

Even if exhaustion were required, however, the hearing on July 13 would not be an “effective” administrative remedy that would be required to be exhausted. The short timeline does not provide an adequate period for the public to evaluate the lengthy and technical changes to the GSP. And SGMA contains no requirement that a GSA “accept, evaluate, and resolve” any issues raised in public comments. (*Id.*)

As a result, and given the July 27 deadline to submit the revisions to DWR, there is no time for the ESJ GA or any of the adopting GSAs to respond meaningfully to comments and make appropriate revisions. As such, for the purpose of exhausting any administrative remedies that may exist, CSPA can “positively state that the [ESJ GA and adopting GSAs have] declared what [their] ruling will be on” this “particular case” and thus any administrative remedy, assuming one is required, is also “futile” in addition to ineffective. (*Coachella Valley Mosquito & Vector Control Dist. v. California Public Employment Relations Bd.* (2005) 35 Cal.4th 1072, 1080-81.)

As a result of the failures of the ESJ GA and the adopting GSAs to provide an adequate process for the public to review and comment on these revisions to the coordinated and component GSP, these comments are provisional. CSPA reserves all rights to make further and future comments and to pursue all available legal remedies in

court and before other administrative agencies once it has had an adequate opportunity to analyze, inter alia, the entire GSP for the ESJ Subbasin and all supporting materials for the GSP.

### **Substantive Comments on the Revised GSP**

#### *The Revised GSP Does Not Alter CSPA's Previous Assessment That It Violates SGMA, the Public Trust Doctrine, and the Waste and Unreasonable Use Doctrine.*

In previous comments and filings, CSPA presented legal authority that the ESJ GSP failed to consider and comply with the waste and unreasonable use doctrine and the public trust doctrine. (Cal Const., art. X, § 2; *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 426; *Environmental Law Foundation v. State Water Resources Control Bd.* (2018) 26 Cal.App.5th 844; see also *United States v. State Water Resources Control Bd.* (1986) 182 Cal.App.3d 82, 105.) The Revised GSP provides no additional analysis under these doctrines, nor does it demonstrate any compliance with the requirements imposed by them.

CSPA also presented comments showing that the GSP failed to adequately measure, map, characterize, and analyze interconnected surface waters (“ISWs”) and groundwater dependent ecosystems (“GDEs”) as required by SGMA. Nor does the GSP rely on the best available information in violation of California Code of Regulations, title 23, section 354.18(e). These comments are available on the SGMA portal and/or in Appendix 1-I to the Revised GSP. Nothing in the Revised GSP demonstrates any change in CSPA’s conclusions regarding the adequacy of the identification of GDEs or ISWs—they violated SGMA in 2020 and violate SGMA today.

#### *The Sustainable Management Criteria Violate SGMA Are Not Supported by the Best Available Science or by Adequate Evidence*

Despite DWR’s direction, the Revised GSP make only superficial changes to the definitions of sustainable management criteria, undesirable results, minimum thresholds, and measurable objectives. These failures will result in a failure to declare the minimum threshold breached, and that undesirable results are in existence, despite clear documented harms to listed species and vulnerable ecosystems.

And with regard to the ISW sustainability indicator, the revisions make almost no changes. As a result, the revisions do not resolve the issues identified by CSPA in earlier correspondence and the Revised GSP continues to fail to comply with SGMA. As stated above, the following comments are provisional in light of the inadequate comment period. CSPA reserves further comments for a future date after full evaluation of the Revised GSP.

The Revised GSP makes no changes to the Sustainable Management Criteria for ISW, except as to changes to the proxy groundwater level SMC. (Revised GSP at 3-31 to 3-34.)<sup>2</sup> This is despite DWR’s directive to “also explain how other factors they identified as “potential undesirable results” (e.g., adverse impacts to **environmental uses and users**) factored into selecting minimum thresholds and describe anticipated effects of the thresholds on beneficial uses and users of groundwater.” (Technical Memo No. 2 at p. 2, emphasis added.) Indeed, Technical Memo No. 2, which should have addressed impacts to environmental users, including ISW and GDE, is devoid of such discussion. Thus, all of CSPA’s previous comments related to the failure to establish SMCs, measurable objectives, and minimum thresholds for ISW continue to apply.

SGMA requires a definition of undesirable results that includes “[t]he criteria used to define when and where the effects of the groundwater conditions cause undesirable results for each applicable sustainability indicator,” and this criteria “shall be based on a quantitative description of the combination of minimum threshold exceedances that cause significant and unreasonable effects in the basin.” (Cal. Code Regs., tit. 23, § 354.26(b)(2).)

One of the few substantive changes to the SMCs for the GSP as a whole is the removal of water year type qualifier from the definition of undesirable results for chronic lowering of groundwater levels. (E.g., Revised GSP at 3-4.) But the remaining definition is still faulty. It reads:

**Two consecutive years of minimum threshold exceedances are used to determine if an undesirable result has occurred and to establish a pattern rather than indicate an isolated event.** The lowering of groundwater levels during dry or critically-dry years is not considered to be unreasonable unless the levels do not rebound to above the thresholds following wet conditions or are otherwise mitigated through adaptive management or implementation of projects and management actions. While statistically, three data points are required to establish a trend, three years of exceedances was felt to be too extreme, whereas a single exceedance was not sufficient to establish a trend. Therefore, the two consecutive years was selected as part of this definition.

**At least 25 percent of representative monitoring wells used to monitor groundwater levels falling below their minimum thresholds for two consecutive years** was presented to the Eastern San Joaquin Technical Advisory Committee (ESJ TAC) during the April 10, 2019 meeting and was approved by the

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<sup>2</sup> Page references are to the redlined version of the Revised GSP linked to in the Agenda.

Eastern San Joaquin Groundwater Authority (ESJGWA) Board during the May 8, 2019 meeting. The Eastern San Joaquin Water Resources Model (ESJWRM) results under the projected conditions baseline scenario were used to evaluate minimum threshold exceedances, and the model results considered in **determining that a 25 percent exceedance threshold was sufficient to determine that undesirable results would occur subbasin-wide (e.g., were not a localized event).**

(Revised GSP at 3-4, emphasis added.) It is conceivable, in fact likely, that significant and unreasonable effects, under any definition, could occur should a quarter of the wells in a given area drop below MT levels—levels that are catastrophically low. By choosing a 25% figure, and by tying it to a two-year consecutive period, the Revised GSP in fact guarantees that the basin will experience effects more severe than in the last drought because it permits up to 25% of wells to drop below that level, into uncharted and potentially disastrous territory. The GSP defines undesirable results for ISW as “depletions that result in reductions in flow or levels of major rivers and streams that are hydrologically connected to the basin such that the reduced surface water flow or levels have a significant and unreasonable adverse impact on beneficial uses and users of the surface water within the Subbasin . . . .” (Revised GSP at 3-31.) Negative effects occurred in the subbasin during the last drought and will become worse before this undesirable result is deemed to occur under the Revised GSP.

The Revised GSP refers to (without clearly citing) Water Code section 10721, definition (x)(1) for the proposition that undesirable results for chronic lowering of groundwater levels does not occur if it is temporary during a drought. (Revised GSP at 3-3.) This ignores that SGMA’s carve-out for short-term lowering of groundwater levels applies *only* to the groundwater level sustainability indicator and not any other, including depletions of ISW. (Wat. Code § 10721, def. (x)(2)-(6).) The GSP fails by applying that logic to all sustainability indicators, including ISW. Dewatering of a GDE or a surface water for a whole year could constitute an extinction- or extirpation-level event for species reliant on groundwater.

SGMA requires a definition of undesirable results that includes “[t]he criteria used to define when and where the effects of the groundwater conditions cause undesirable results for each applicable sustainability indicator,” and this criteria “shall be based on a quantitative description of the combination of minimum threshold exceedances that cause significant and unreasonable effects in the basin.” (Cal. Code Regs., tit. 23, § 354.26(b)(2).)

A measurable objective (“MO”) must contain “specific, quantifiable goals for the maintenance or improvement of specified groundwater conditions that have been included in an adopted Plan to achieve the sustainability goal for the basin.” (Cal. Code

Regs., tit. 23, § 351, def. (s).) A GSP may only use groundwater elevation as a “proxy” for other sustainability indicators when the Agency can “demonstrate” that such value is a “reasonable proxy” as “supported by adequate evidence.” (Cal. Code Regs., tit. 23, § 354.30(d).) The GSP does not supply such evidence.

And the minimum threshold (“MT”) must be “supported” by:

(A) The location, quantity, and timing of depletions of interconnected surface water.

(B) A description of the groundwater and surface water model used to quantify surface water depletion. If a numerical groundwater and surface water model is not used to quantify surface water depletion, the Plan shall identify and describe an equally effective method, tool, or analytical model to accomplish the requirements of this Paragraph.

(Cal. Code Regs., tit. 23, § 354.28(c)(6).) The use of groundwater levels as a proxy does not tell the GSP or the public anything about the “location, quantity, and timing” of depletions of interconnected surface water. And as the GSP has chosen not to use a “numerical groundwater and surface water model,” it has not demonstrated that the use of the groundwater level proxy is “equally effective” to accomplish the “requirements” of SGMA.

For all of the SMCs, the GSP has unlawfully punted the development of the required study and work to prepare a plan that would be protective of interconnected surface waters. Despite five years to the prepare the Plan, lengthy comment letters proposing additional facts and methodologies, and two additional years following submission, and six months following DWR’s determination that the GSP was inadequate, the GSP has still not been amended to comply with SGMA.

The Revised GSP identifies “Potential effects of undesirable results related to GDEs” as a “data gap.” (Revised GSP at 3-10.) This misuses the term “data gap” as used in the SGMA regulations. (Cal. Code Regs., tit. 23, §§ 350.4(d), 351(l), 354.38.) SGMA contains no authority for a GSA to simply fail to describe undesirable results nor to fail set minimum thresholds or measurable objectives that meet the regulatory requirements. In any event, comments provided to the GSPs earlier in the process provide much of the data and methodology that the GSP claims is a “gap.” Notably, CSPA’s comments provided a methodology to map depletions of interconnected surface waters. And the Nature Conservancy provided a methodology for evaluating GDEs. Yet the GSA ignored these offers, choosing instead to simply do nothing. This violates SGMA.

Re: Provisional Comments on Revised ESJ GSP

July 13, 2022

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### **Conclusion**

For the reasons stated in this letter, the Revised GSP violates SGMA. In addition, other component GSPs and the common chapter contain deficiencies that preclude approval because the coordinated GSP must manage the basin as a whole. We urge that the relevant agencies vote against approving this revision.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathaniel H. Kane". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nathaniel Kane  
Executive Director  
Environmental Law Foundation

# **Attachment**



6.22.2022

Eastern San Joaquin Groundwater Authority and Groundwater Sustainability Agencies  
P. O. Box 1810  
Stockton, CA 95201  
Via email: [ESJgroundwater@sjgov.org](mailto:ESJgroundwater@sjgov.org)

Re: Revision Process for the “Incomplete” Groundwater Sustainability Plan to Manage the Eastern San Joaquin Subbasin

We request the immediate release of the 2022 draft Groundwater Sustainability Plan (GSP) revision and draft technical memorandum for public review. No draft reports responding to the Department of Water Resources’ determination of “Incomplete” have been released for public comment and these reports are intended to be submitted to the Department of Water Resources by 7.27.2022. We have prepared a review of the January 2020 GSP development process, regulatory responses, and the Groundwater Authority’s July 2022 GSP revision process for your consideration and to describe ongoing issues regarding stakeholder outreach and engagement.

**Background**

The Eastern San Joaquin Subbasin encompasses most of San Joaquin County and small parts of Calaveras and Stanislaus Counties as shown below:<sup>1</sup>



The final Eastern San Joaquin Groundwater Sustainability Plan (GSP) was submitted by the Groundwater Authority in January 2020 giving the 16 Groundwater Sustainability Agencies (GSAs) 20 years to effect changes that achieve groundwater sustainability. GSAs are required to enact management practices that avoid undesirable results, including “significant and unreasonable” depletion of groundwater aquifers, degraded water quality and land subsidence.

Even before the Sustainable Groundwater Management Act (SGMA) became effective (Water Code) and regulations were adopted (California Code of Regulations), the Eastern San Joaquin Subbasin water managers were meeting about the basin’s overdraft. The basin aquifer became overdrafted because more water is being pumped out than is being added through recharge mechanisms.

<sup>1</sup> <http://www.esjgroundwater.org/About-Us> accessed 6.14.2022



## Eastern San Joaquin Groundwater Authority representing 16 Groundwater Sustainable Agencies, Stakeholder Engagement, and Groundwater Sustainability Plan Development prior to Jan 2020

These water managers became Directors of the Eastern San Joaquin Groundwater Authority formed in 2017, with representatives from each of 16 GSAs that were previously established based on existing jurisdictional boundaries, for the most part. At nearly every meeting, the Groundwater Authority Board of Directors (Groundwater Authority) was informed that public participation was required and often that an opportunity for public comment is required prior to a vote. This has continued, although less often but still does occur. Most recently, notes taken at the 5.11.2022 Groundwater Authority meeting document that there was no request for public comment on the prior meeting minutes before calling for the vote.

Regarding public participation requirements during GSP development, the Department of Water Resources (DWR) was contacted because a DWR facilitation grant that was awarded to the Groundwater Authority with an approved workplan dated September 15, 2017, was not being fully implemented. There was little to no public engagement other than Groundwater Authority meetings. In response, the Groundwater Authority formed the Groundwater Sustainability Workgroup in June 2018. This Workgroup consisted of a diverse group of agricultural, environmental, and community advocates discussing issues related to many of the issues still unresolved such as GSA water budgets and funding. The Workgroup activities were outlined in the Stakeholder Engagement and Public Outreach Plan dated 6.25.2018.<sup>2</sup>

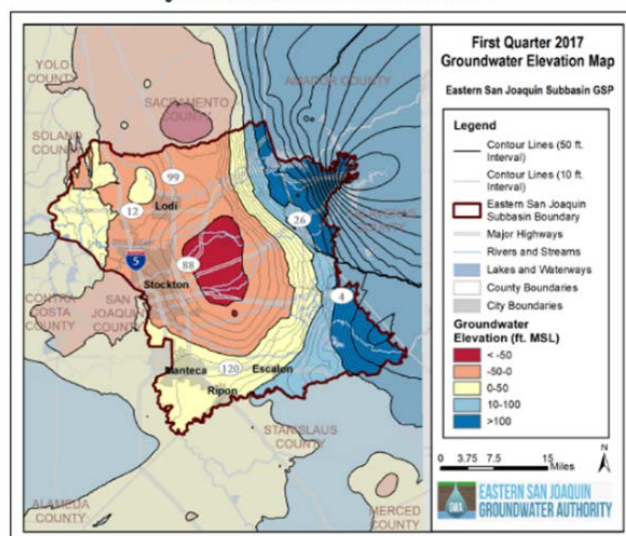
The Delta-Sierra Group of the Sierra Club, Restore the Delta, The League of Women Voters of San Joaquin County, Environmental Justice Coalition for Water, and PUENTES submitted correspondence dated 7.17.2019 to the Groundwater Authority and associated GSAs regarding public outreach and engagement problems and solutions.<sup>3</sup> Unfortunately, one of the more effective strategies for public outreach and engagement, the Workgroup was ended by email 8.12.2019 with a final meeting 9.11.2019. The last documentation of the Groundwater Sustainability Workgroup was the 6.12.2019 meeting agenda and materials. No minutes of the June 2019 or September 2019 meeting have been made available.

The Delta-Sierra Group continued to engage in the GSP development process submitting comments on the Draft GSP to the Groundwater Authority on 8.25.2019<sup>4</sup> and on the 2020 Final GSP to the DWR dated 5.15.2020<sup>5</sup>.

Figure 2-37 from the 2020 Final GSP shows where the cone of depression - greatest groundwater overuse - is thought to be located and indicated with a dark red color. This figure leads to the impression that there is one large area in the Subbasin that is overdrafted; however, there are other localized areas that are overdrafted which are difficult to assess due to the limited number of monitoring wells. Impacts to shallower wells - domestic and irrigation for small farms - continued to be ignored without a mitigation plan to protect the most vulnerable users.

The Groundwater Authority continued to object to having to consider impacts to shallower domestic wells by writing a letter commenting on DWR draft funding criteria. In November 2021, the Delta-Sierra Group submitted comments in writing to the Groundwater Authority Steering Committee and DWR Grant Program Manager:

Figure 2-37: First Quarter 2017 Groundwater Elevation



<sup>2</sup> [https://www.sigov.org/docs/default-source/public-works-documents/water-resources/esi-final-gsp-appendices\\_5nov19.pdf?sfvrsn=7095f8e6\\_3](https://www.sigov.org/docs/default-source/public-works-documents/water-resources/esi-final-gsp-appendices_5nov19.pdf?sfvrsn=7095f8e6_3)

<sup>3</sup> <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14441/Collective%20Comments%20on%20GSA%20outreach%20activities%20%20071719%20final.pdf>

<sup>4</sup> [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/delta-sierra-group/DSGComment\\_ESJGSP\\_08.25.19\\_1846.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/delta-sierra-group/DSGComment_ESJGSP_08.25.19_1846.pdf)

<sup>5</sup> [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14441/DSG\\_FinalGSP\\_EJSGSB\\_05152020\\_final.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14441/DSG_FinalGSP_EJSGSB_05152020_final.pdf)

Impacts to domestic wells relating to offsite contamination sources and decreased groundwater levels should be considered under SGMA and efforts put forth to mitigate in order to obtain sustainability for these indicators. Our most vulnerable and disadvantaged communities that have water supplies impacted by these indicators must be considered for extra funding opportunities. The Groundwater Authority's position that domestic well supply limitations should not be considered as a basis for funding selection is objectionable. I believe that the Groundwater Authority can view these funding constraints as an opportunity to more effectively consider domestic well impacts and develop a groundwater sustainability plan that considers all stakeholders.

## Regulatory Findings and Determinations

### **State Water Resources Control Board**

The State Water Resources Control Board (SWRCB) is the regulatory agency that will govern the Eastern San Joaquin Subbasin should the DWR determine the 2022 revised GSP is inadequate. The SWRCB Members have been receiving regular updates about SGMA should they have to assume the role of management agency.

In advance of the DWR determination, the State Water Resources Control Board submitted comments to the Eastern San Joaquin Groundwater Authority dated 8.23.2021 regarding issues of concern:

- Groundwater Levels and Potential Drinking Water Impacts
- Groundwater Quality
- Depletions of Interconnected Surface Water
- Water Budget
- Projects Reliant on New or Amended Water Rights
- Engagement

The SWRCB correspondence was included in the 9.8.2021 Groundwater Authority Meeting.<sup>6</sup> Staff dismissed the comments as “cut and paste” and indicated that the comments were not requested by the DWR, but rather a form of public comment and did not require a formal response from the Board, as reported in the minutes included within the 12.8.2021 Groundwater Authority meeting agenda information.<sup>7</sup>

### **Department of Water Resources**

The DWR is the lead regulatory agency for implementing the SGMA regulations. The DWR issued correspondence to the Eastern San Joaquin Groundwater Authority dated 11.18.2021 which outlined deficiencies identified in review of the GSP. This DWR letter was included in the agenda packet for the 12.8.2021 Groundwater Authority Meeting.<sup>8</sup>

The DWR issued their final determination that the 2020 Eastern San Joaquin Subbasin GSP was incomplete on 1.28.2022. The DWR determination letter included the due date of 7.27.2022 for submission of a revised GSP and if the revisions address the identified deficiencies, the DWR will determine that the GSP is approved. If the revised GSP does not address the identified deficiencies, then the DWR will determine the GSP to be inadequate and refer the basin to the SWRCB for corrective action. The SWRCB may identify additional deficiencies that the GSAs would need to address in the state intervention process as outlined in SGMA.

An open and transparent evaluation process was used by DWR to determine that the 2020 Eastern San Joaquin GSP was incomplete. The following includes a summary and excerpts from the DWR 1.28.2022 determination letter regarding the evaluation process.

To evaluate a GSP, the DWR must first determine a GSP was submitted by the statutory deadline, evaluates the GSP to determine whether it complies with SGMA and substantially complies with the GSP Regulations. When evaluating whether implementation of the GSP is likely to achieve the sustainability goal for the basin, DWR staff review the information provided and relied upon in the GSP for sufficiency, credibility, and consistency with scientific and engineering professional standards of practice. The DWR's review considers whether there is a reasonable relationship between the information provided by the GSA and the assumptions and conclusions presented in the GSP, including

<sup>6</sup> <http://www.esigroundwater.org/Portals/0/20210908%20ESJ%20JPA%20Agenda%20Package.pdf?ver=HgHWKb-SHAZMNtYtjaAtOA%3d%3d>

<sup>7</sup> <http://www.esigroundwater.org/Portals/0/20211208%20GWA%20Board%20Agenda%20Package.pdf?ver=BCaGji8PA3jrQEEN3GIwkg%3d%3d>

<sup>8</sup> <http://www.esigroundwater.org/Portals/0/20211208%20GWA%20Board%20Agenda%20Package.pdf?ver=BCaGji8PA3jrQEEN3GIwkg%3d%3d>

whether the interests of the beneficial uses and users of groundwater in the basin have been considered; whether sustainable management criteria and projects and management actions described in the GSP are commensurate with the level of understanding of the basin setting; and whether those projects and management actions are feasible and likely to prevent undesirable results. The DWR also considers whether the GSA has the legal authority and financial resources necessary to implement the GSP.

The DWR review of the Jan 2020 GSP was thorough and the suggestions thoughtful and explicit.

## Eastern San Joaquin Groundwater Authority Responses to DWR GSP Incomplete Determination

### *February 2022*

The Technical Advisory Committee (TAC) meetings were open to the public on a limited basis as indicated with the statement included in the TAC meeting material dated 2.3.2022: “Note to participants: Members of the public, most staff and other GSA/GWA persons may participate via the teleconference line only. Thank you for your understanding.” The 2.3.2022 TAC meeting material also included DWR communications and proposed “GSP Incomplete” response approaches. This meeting material file is no longer available to the public because the information was removed from the website as well as all TAC meeting materials following the submission of the GSP in 2020 to DWR. The TAC meeting presentations and discussions enabled members of the public to better understand the recommendations which are presented to the Groundwater Authority for approval. Without access to this material, it is difficult to meaningfully participate in the Groundwater Authority meetings especially when all meeting materials are not available in advance of the meetings.

The 2.3.2022 TAC meeting materials included a slide deck dated January 2022 and entitled: “2020 Groundwater Sustainability Plans: Incomplete Determinations and Next Steps”. The content of this slide deck and location in the meeting materials suggested that DWR prepared this information and distributed in advance of January 2022 determination letters. This slide deck included the following statement: “Should follow open and transparent process with public engagement.” Subsequently, during the 3.16.2022 meeting of the NGO Groundwater Collaborative, Paul Gosselin of DWR made similar statements regarding public engagement. Statements such as these indicate that there was an expectation that interested parties and stakeholders would be engaged during the revision process. This did not occur, in fact quite the opposite as will be described further.

A request for public information was made on 2.3.2022 to obtain the presentation information from the TAC meeting and to obtain the meeting recording (notified when entering the “room”). On 2.14.2022, the San Joaquin County Office of the County Counsel responded to a public information request with the material requested and the meeting notes. County Counsel decided to provide the recording “as a gesture of good faith” and noted “that since this is an ad hoc committee, the recordings are not kept in the ordinary course of business. In the future, they will be destroyed as soon as the notes for them meeting are prepared.” Providing audio and/or video recordings on the website could greatly improve stakeholder’s opportunities to follow Groundwater Authority activities related to the development and implementation of the GSP, especially when meetings are not regularly held and when held, occur during the daytime working hours. No evening meetings of the Groundwater Authority have been held since the GSP was submitted in January 2020.

The Eastern San Joaquin Groundwater Authority Board of Directors held a special meeting time on 2.9.2022 which included a workshop to present the model and water accounting/funding and finance update. Part of the information now available on the Eastern San Joaquin Groundwater Authority website was made available before the meeting. Below is a screenshot obtained on 6.22.2022 and included as reference the Eastern San Joaquin Groundwater Authority public meetings since receipt of DWR’s determination.<sup>9</sup>

On 2.9.2022, the Delta-Sierra Group Conservation Chair provided comments in person and in writing to the Eastern San Joaquin Groundwater Authority regarding the availability of information on the website, that stakeholder outreach should be a priority not an afterthought, and that groundwater impacts require mitigation and careful consideration of specific projects and management options to mitigate not a “push back” response.<sup>10</sup>

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<sup>9</sup> <http://www.esjgroundwater.org/Agendas>

<sup>10</sup> [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14441/ESJGWA\\_2.9.2022\\_0.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u14441/ESJGWA_2.9.2022_0.pdf)

Also, a 2.9.2022 staff memo included on the website which was not made available in advance of the meeting seems to be the basis of the prohibition of the public to observe the TAC meeting.<sup>11</sup>

**March 2022**

The 3.9.2022 Groundwater Authority Board of Directors met and included in the materials distributed in advance were the 2.9.2022 meeting minutes that stated: “The Workshop was recorded and made available on the ESJGroundwater.org

website.” The recording has not been located on the website and no formal request was made to staff. A formal public information request was made on 6.14.2022 for the recording to be posted and provided.

On 6.20.2022, San Joaquin County Counsel responded with “Please be advised that the minutes are in error; the recordings are not maintained after the minutes are prepared and will not be posted on the website or be made available.” Public information is limited to a slide deck without the verbal explanation narrative which would have helped stakeholders understand the slides. Evidently, audio recordings for neither ad hoc or Groundwater Authority meetings are retained for the record. Audio recordings and/or video recordings of meetings are essential parts of stakeholder outreach.

**May 2022**

Two meetings were scheduled on 5.11.2022: the Groundwater Authority Board of Directors and the Steering Committee. After attending the Groundwater Authority meeting that was a whirl of information not made available in advance of the meeting, a public information request was made and within the week the 43-slide deck presentation pdf file was posted on the website.<sup>12</sup> The 5.11.2022 Steering Committee meeting – at which the budget was to be discussed - was cancelled. The rescheduled Steering committee meeting was noticed on 5.27.2022. A special Steering Committee meeting occurred on 6.1.2022 beginning at 9:30 AM. The Steering Committee is made of various directors so as not to have a quorum Groundwater Authority, but at the 6.1.2022 meeting a director not on the Steering Committee made a motion. It is unknown whether the quorum limitation was violated. On 6.1.2022 at 8:54 AM a notice was distributed that the June 8, 2022, Groundwater Authority and Steering Committee meetings were cancelled. As the meeting cancellation occurred before the Steering Committee meeting occurred the Groundwater Authority was not consulted about the cancellation of this important meeting to discuss comments relating to draft GSP revision documents.

**Groundwater Sustainability Plan Revision Schedule**

The following is a table of scheduled events leading to the July 2022 submission of a revised GSP and which was published by the Groundwater Authority and included in meeting materials various times over the last several months.

**2022**

GROUNDWATER AUTHORITY BOARD	STEERING COMMITTEE
June 8 Cancellation Notice	June 8 Steering Committee Cancellation June 1 Special Steering Committee Meeting
May 11 Agenda May 11 Meeting Presentation and Materials	May 11 Steering Committee Cancellation
April 13 Agenda	April 13 Steering Committee Cancellation
March 9 Agenda	March 9 Steering Committee Cancellation
February 9 Agenda	February 9 Steering Committee Cancellation
Workshop Presentations	
Staff Report Material	
January 12 Cancellation Notice	
January 12 Agenda	January 12 Steering Committee

<sup>11</sup> <http://www.esjgroundwater.org/Portals/0/DRAFT%20DWR%20Comment%20Response%20Process%20-%20Staff%20Report%20and%20Process.pdf?ver=VPrNaEDRP7YhsFEKXcDiQA%3d%3d>

<sup>12</sup> [http://www.esjgroundwater.org/Portals/0/20220511%20ESJ%20GWA%20Meeting%20Presentation%20and%20Materials.pdf?ver=-3B36nK\\_L5jVo-PwVeYrA%3d%3d](http://www.esjgroundwater.org/Portals/0/20220511%20ESJ%20GWA%20Meeting%20Presentation%20and%20Materials.pdf?ver=-3B36nK_L5jVo-PwVeYrA%3d%3d)

Draft Schedule

Date	Group	Agenda items	Deliverables/Notes/Questions
5/5/2022	TAC/Legal	1. DWR Response a. Status b. Schedule and Scope 2. TAC budget discussion and FY 22_23 Work elements 3. Exec Order a. GSA responses and approaches b. EHD approach	1.b work plan schedule, scope 2. Staff brief on budget elements
5/6/2022		Send out draft TMs 2 (Def 1de), 3 (Def 1f) and 4 (Def 2) for review	
5/11/2022	Steering	1. <b>Draft Budget</b> - Preliminary Technical work and budget Assumptions and Costs 2. Status of DWR comment. Discuss any Policy issue; discuss scope and approach to implementing PMAs	Develop high-level scope and costs for PMAs
5/19/2022	TAC/Legal	1. Discuss TMs 2, 3 and 4 2. Present results of PMAs simulation	Final comments due back by May 16th
5/27/2022		Send out draft TM1 (Def 1a, b and c)	Comments due back by May 31st
6/2/2022	TAC/Legal	1. Accept comments/discuss draft TMs 2-4 2. Discuss comments on draft TM1 3. Present redline/strikeout edits to GSP	Receive and discuss responses, direct sending to GSAs for comment. Comments from TAC due by 6/9
6/16/2022	Steering/Board	Receive 6/2 TAC results for GSA review, discuss GSA comments, direct final draft CA e-i. <b>Final Budget</b>	Mail out for meeting materials is 6/10
6/17/2022		Mail all TMs & Redline GSP to GSAs for review	GSA comments on TMS due by 7/1 along with schedule for adoption
6/23/2022	TAC/Legal	CA a, b, c and d; GWL and SMC Memo Reconcile/discuss GSA Comments on CA e-f and finalize	Direct sending to GSAs CA a, b, c, d, Comments due from GSA 7/1/2022
7/1/2022		Comments on TMs and Redline GSP due	
7/13/2022		Compile final response package, send to GWA Board	All documents finalized by 7/11
7/20/2022	GWA Board	Action on Response Package	
7/27/2022		Upload revised/amended GSP to SGMA Portal	

The timetable does not include any time for public outreach to obtain comments regarding the technical memorandum (TMs) or redline GSP revisions before submitting to the Department of Water Resources by 7.27.2022, other than required public comment (limited to 3 minutes) during a GSA public hearing meeting when the revised GSP will be adopted. The Groundwater Authority has not disclosed when they will release the draft document prior to the adoption public hearings. Thankfully, DWR has committed to a public review process after revised GSP submittal.

This Eastern San Joaquin Groundwater Authority GSP revision process seems to conflict with communication regulations. Groundwater Sustainability Plan Regulations (Section 354.10) require a communication section to include the following<sup>13</sup>:

1. An explanation of the Agency's (GSAs) decision-making process.
2. Identification of opportunities for public engagement and a discussion of how public input and response will be used.
3. A description of how the Agency (GSA) encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.
4. The method the Agency (GSA) shall follow to inform the public about progress implementing the Plan, including the status of projects and actions.

Instead, the GSA has violated its own stakeholder engagement and outreach plan, as published in Appendix 1-H of their submitted 2020 GSP. Those violations include

- Dissolution of the stakeholder advisory committee, which was not identified as a temporary body in the plan and in fact is charged with review annual reports and five-year plans.
- Failure to hold "inform and obtain comments from the general public through public meetings held on an approximately quarterly basis."
- Failure to "provide timely and accurate reporting of planning milestones through the distribution of outreach materials and posting of materials on the GWA website for the GSP."
- Failure to include all meeting minutes and final annual reports on GWA website.

<sup>13</sup> Department of Water Resources. *Guidance Document for Groundwater Sustainability Plan Stakeholder Communication and Engagement*. January 2018

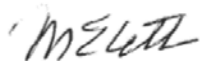
The Groundwater Authority, Environmental Health and Office of Emergency Services have been contacted to discuss applying for SAFER funds to help with outreach. Wells in the Eastern San Joaquin Subbasin are reportedly going dry and in some cases, contamination has prompted offsite water deliveries according to the Office of Emergency Services. The Environmental Health Department is reportedly considering various options to comply with the Governor's Emergency order requiring additional considerations before a new irrigation well can be drilled. There are no public meetings planned to essentially amend the County Well Standards requiring this additional consideration before an irrigation well permit to drill is issued according to staff on 5.11.2022, communicated after the Groundwater Authority meeting. The Groundwater Authority Board of Directors were not briefed in public about what is happening to comply with the Governor's Executive Order or the status of well impacts related to the drought and ongoing over pumping during the 5.11.2022 meeting.

Outreach to those most vulnerable will not occur unless an outside agency or organization takes on the task. Our disadvantaged domestic well owners do not have the means to drill new wells. Comments from Groundwater Authority Directors indicate that some believe that there is absolutely no reason for a well mitigation program and public funds cannot be spent on private resources. Those groundwater users that are directly impacted by lowering groundwater elevations include disadvantaged residents served by shallower domestic wells and small-scale irrigation wells.<sup>14</sup> Our small-scale farmers, <50 acres, are diverse with many languages spoken yet the Eastern San Joaquin Groundwater Authority has not taken advantage of the translation services offered by the DWR. Small water groundwater systems, shallow domestic and irrigation wells are the most vulnerable to impacts resulting from over pumping and drought. Who knows if the Groundwater Authority has gotten the message and included adequate groundwater monitoring and mitigation measures for dry well impacts?

Stakeholder outreach should be a priority not an afterthought.

Please feel free to contact us to discuss stakeholder engagement and education.

Sincerely,



Mary Elizabeth M.S., R.E.H.S.  
Conservation Chair  
Delta-Sierra Group Sierra Club  
[Melizabeth.sierra@gmail.com](mailto:Melizabeth.sierra@gmail.com)



Barbara Barrigan-Parrilla  
Executive Director  
Restore the Delta  
[Barbara@restorethedelta.org](mailto:Barbara@restorethedelta.org)

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<sup>14</sup> <https://www.cleanwateraction.org/sites/default/files/docs/publications/Underrepresented%20Farmers%20and%20SGMA.pdf>

## MEMORANDUM



TO: Matt Zidar/San Joaquin County  
FROM: Leslie Dumas/Woodard & Curran  
DATE: July 29, 2022  
RE: Proposed Methodology for GSP Call for Projects **(Attachment B)**

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The following is the proposed methodology for conducting a Call for Projects for the Eastern San Joaquin (ESJ) Groundwater Sustainability Plan (GSP). This proposed methodology builds off the most recent Call for Projects conducted for the Eastern San Joaquin Integrated Regional Water Management Plan (IRWMP), with a focus on projects that can help the ESJ Subbasin achieve and maintain groundwater sustainability.

- Step 1: Develop schedule for call for projects – It is assumed that the Technical Advisory Committee (TAC) will be the forum from which the call for projects will stem. As a starting step, an overall schedule for conducting a call for projects for inclusion in the ESJ GSP will be prepared.
- Step 2: Review/Revise draft form for submitting projects – The Call for Projects form used for the ESJ IRWM program can be adapted to identify projects which can and should be included in the GSP. The primary advantage to using this form as a basis for the GSP call for projects is to ensure that all applicable projects submitted are compliant with the eligibility requirements of both the IRWM and SGM grant funding programs and therefore eligible to receive funding from either or both programs. Modifying the form will confirm the eligibility of all projects submitted relative to the SGM grant program criteria.
- Step 3: Prepare and issue notice of call for projects – Using the schedule developed in Step 1, an announcement initiating the call for projects will be prepared and distributed to the GSAs, other interested parties, and posted on the ESJ website.
- Step 4: Collate and review project information submitted – In this step, all projects submitted for inclusion in the GSP will be reviewed for completeness and compliance with the SGM grant program eligibility requirements. Those not eligible will be removed from further consideration.
- Step 5: Prioritize projects – Utilizing the process developed for the 2020 ESJ GSP, projects submitted for inclusion in the updated project list will be prioritized and categorized.
- Step 6: Present updated project list to the SC and GWA Board for approval prior to updating the GSP project list in either the 5-year update or Annual Report.
- Step 7: Update project list in GSP (either in 5-year update or in Annual Report) – The results of this process will be documented as the 'updated project list' in the next Annual Report or the 5-year GSP Update, whichever is next completed.



Step 8: Update project list in GSP DMS – The updated project list will also be included in the GSP DMS.

It is recommended that, as part of this program, the ESJ GSP DMS public portal be revised to allow for the direct input of project information to the DMS (rather than rely solely on completion of a 'paper' form). Additionally, as part of a recent call for projects, those project proponents who submitted projects to the ESJ IRWMP should be notified that their projects are potentially eligibility for SGM grant funding and, if applicable, should also submit their projects under this call for projects. Finally, future calls for projects should be coordinated between the IRWM program and the SGM program, as implemented in the ESJ Subbasin, as both programs require compliance with the other program for project eligibility.





# EASTERN SAN JOAQUIN GROUNDWATER AUTHORITY

## **Memo**

**To: Steering Committee**

**From:** Matt Zidar, Water Resources Manager

**RE:** Water Accounting Framework (**Attachment C**)

**Date:** August 3, 2022

**Agenda Item:** II.4

**Summary:** The GWA is to develop a Water Accounting Framework to help evaluate the GSA water budgets and account for overdraft at a subregional scale, create accountability for overdraft and sustainable groundwater management, and to support investment strategies.

### **Details:**

The GWA had previously initiated discussion of a Water Accounting Framework (WAF). This work was set aside to focus on responding to DWR comments on the ESJ GSP, and on preparing and submitting the Revised GSP by the July 27<sup>th</sup> deadline. The submittal of the revised GSP was accomplished on time, and it is recommended that the GWA now address the WAF. A draft work plan for preparing the WAF will be discussed at the meeting.

The Eastern San Joaquin Water Resources Model (ESJWRM) Integrated Water Flow Model has been recently calibrated to updated data, and the future baseline developed to document the water budgets for each GSA. The baseline water budgets represent the basin hydrology, but there are water rights, water contracts, local agreements, statutes, and court precedent related to how the water budget components are categorized, including how the “common pool” or natural recharge, developed supplies and salvaged waters are accounted for in the different “buckets” of water types. The accurate accounting and parsing of the hydrologic water budgets must consider local policies and prior project investments by GSA members. Additionally, agreement is needed on the purpose and desired outcome of the WAF. It is also important to note what will not be part of the accounting framework. For example, one item not anticipated as a WAF outcome would be reductions in pumping, nor should the WAF affect existing surface or groundwater rights. The WAF is intended to identify and recognize what GSAs are responsible for the proportionate contributions to the overdraft, and to help GSAs and the GWA prioritize investments and projects to be implemented, either individually or in partnerships, to achieve sustainability.

On August 4<sup>th</sup>, the Technical Advisory Committee discussed how to proceed with developing the WAF work plan. It is recommended that the first step be to form a small working group to develop a “straw man” proposal defining the purpose, objectives, and desired outcome for the WAF, and to develop a list of the issues and questions to be addressed over the next six to eight months as part of WAF implementation. This

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working group would include a representative of a city, a delta water agency, a net recharging water agency, a net extracting water agency.