

## 6.11 References (§354.4(b))

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Summary of Sustainability Indicator Management by Proposed Projects and Management Actions

Tier / Implementation Schedule	Activity / Project	Sustainability Indicator			
		Reduction of Groundwater in Storage	Chronic Lowering of Groundwater Levels	Degraded Water Quality	Depletion of Interconnected Surface Water
1	Convening an Interactive Tribal Work Group	This working group would encourage tribal participation, promote basin balancing maintenance activities, and ensure that federal reserve water rights are protected. Groundwater management working groups will also encourage the active, on-going involvement of basin stakeholders – providing diverse input and raising awareness and providing rationale for the need of existing or new management activities and projects enacted to ensure groundwater sustainability in the subbasin. This level of involvement will help increase the effectiveness of any management action or project implemented under the GSP, encourage community investment in preserving and managing the shared groundwater resource, and ensure water rights and beneficial use of all subbasin users are protected.			
1	Convening a Drought Resilience Work Group	This working group will help identify avenues to obtain resiliency, minimize impacts of drought conditions on sustainability criteria, and develop long-term plans to facilitate groundwater conservation in the subbasin. The group would review the current understanding of drought in the USLR Groundwater Subbasin, identify any data gaps, and develop a reliable recovery plan. Groundwater management working groups will also encourage the active, on-going involvement of basin stakeholders – providing diverse input and raising awareness providing rationale for the need of existing or new management activities and projects enacted to ensure groundwater sustainability in the subbasin. This level of involvement will help increase the effectiveness of any management action or project implemented under the GSP, encourage community investment in preserving and managing the shared groundwater resource, and ensure water rights and beneficial use of all subbasin users are protected.			
1	Adaptive Groundwater Management	Adaptive management allows the GSA to react to changing groundwater conditions, evaluate the success or failure of projects and management actions, and make management decisions to redirect efforts to achieve sustainability goals more effectively			
1	Ongoing Groundwater Level and Water Quality Monitoring	Ongoing monitoring will allow the GSA to identify areas trending towards undesirable effects and proactively enact projects and/or management actions as needed to improve management of groundwater resources above management thresholds and help reach management objectives			
1	Agricultural Management Plan and Best Management Practices	Conservation techniques and best management practices currently being enacted in the basin reduce pumping demand - thereby lessening potential declines in groundwater storage	Conservation techniques and best management practices currently being enacted in the basin reduce pumping demand - thereby lessening potential declines in groundwater levels	-	Reduced water demand leads to reduced groundwater pumping. This can lessen declines in groundwater levels, potentially leading to greater surface flow or maintaining flow in areas of interconnected surface and groundwater
1	Install Local CIMIS Station	Local evapotranspiration information will allow agricultural users to adjust their irrigation system timing - leading to increased efficiency, reduction of groundwater pumping, and lessening potential declines in groundwater storage	Local evapotranspiration information will allow agricultural users to adjust their irrigation system timing - leading to increased efficiency, reduction of groundwater pumping, and lessening potential declines in groundwater levels	-	The management of groundwater levels through reduced pumping may prevent reductions in interconnected surface flow
1	Water Conservation Activities: - Community Outreach - Irrigation efficiency and BMPs	Water demand reduction and efficient water practices provide opportunities to reduce groundwater pumping, support the ability to maintain and even raise groundwater levels, and allow more groundwater to remain in storage	Water demand reduction and efficient water practices provide opportunities to reduce groundwater pumping, support the ability to maintain and even raise groundwater levels, and allow more groundwater to remain in storage	Water conservation activities could cause slight decreases in water quality. This is a trend being observed by many treatment facilities in Southern California: the population generates the same amount of salts but less water is being used in the home to dilute influent to treatment facilities (or entering the subsurface through septic systems). Water quality in the basin will need to continue to be monitored	The management of groundwater levels through reduced pumping may prevent reductions in interconnected surface flow
1	Outreach to San Diego County to Layout a Framework for GSA Collaboration	GSA involvement with County to develop a well permit notification communication system can help maintain subbasin groundwater pumping within sustainable limits. Operating within the sustainable yield will prevent declines in groundwater storage	GSA involvement with County to develop a well permit notification communication system can help maintain subbasin groundwater pumping within sustainable limits. Operating within the sustainable yield will prevent declines in groundwater levels	GSA involvement with County to develop a well permit notification communication system may help avoid cross-contamination of the aquifer in localized areas of elevated TDS or nitrate	The management of the locations of new wells and thus groundwater levels through managed pumping by location may prevent reductions in interconnected surface flow

Summary of Sustainability Indicator Management by Proposed Projects and Management Actions

Tier / Implementation Schedule	Activity / Project	Sustainability Indicator			
		Reduction of Groundwater in Storage	Chronic Lowering of Groundwater Levels	Degraded Water Quality	Depletion of Interconnected Surface Water
1	Pumping Record Collection	Support the refinement of sustainable yield estimate for the subbasin, assisting with sustainable management of groundwater pumping to ensure adequate groundwater in storage	Support the refinement of sustainable yield estimate for the subbasin, assisting with sustainable management of groundwater pumping to ensure groundwater levels are maintained in such a way to avoid undesirable results	-	The management of groundwater levels may prevent reductions in interconnected surface flow
1	Well Registration and Meter Installation	Support the refinement of sustainable yield estimate for the subbasin, assisting with sustainable management of groundwater pumping to ensure adequate groundwater in storage	Support the refinement of sustainable yield estimate for the subbasin, assisting with sustainable management of groundwater pumping to ensure groundwater levels are maintained in such a way to avoid undesirable results	-	The management of groundwater levels may prevent reductions in interconnected surface flow
2	Water Conservation Activities: - Rebate programs - Rainwater capture - Low impact development - Crop swap programs - Leak detection assessment - Voluntary fallowing - Identify new sources of funding for all potential Management Actions	Water demand reduction and efficient water practices provide opportunities to reduce groundwater pumping, support the ability to maintain and even raise groundwater levels, and allow more groundwater to remain in storage	Water demand reduction and efficient water practices provide opportunities to reduce groundwater pumping, support the ability to maintain and even raise groundwater levels, and allow more groundwater to remain in storage	Water conservation activities could cause slight decreases in water quality. This is a trend being observed by many treatment facilities in Southern California: the population generates the same amount of salts but less water is being used in the home to dilute influent to treatment facilities (or entering the subsurface through septic systems). Water quality in the basin will need to continue to be monitored	The management of groundwater levels through reduced pumping may prevent reductions in interconnected surface flow
2	Indirect Recharge through Reduced Evapotranspiration	Removal of high water use, invasive vegetation will reduce evapotranspiration - lessening potential declines of groundwater storage	Removal of high water use, invasive vegetation will reduce evapotranspiration - lessening potential declines of groundwater levels	Removal of high water use vegetation may result in a benefit to water quality. Typically, plants take the water and leave the salts behind. Therefore removal of high water use can beneficially impact water quality.	Removal of high water use, invasive vegetation will reduce evapotranspiration - lessening potential declines of groundwater levels and surface flow
3	In-Lieu Groundwater Recharge	Create supplemental groundwater in storage or increase groundwater in storage by replacing a portion of groundwater pumping with additional imported water or potential supplemental supply from VID	Increase groundwater levels by replacing a portion of groundwater pumping with imported water supply or potential supplemental supply from VID	Effects would depend on water source: imported or local surface supply. Recharge of imported water may improve water quality in areas with high TDS, but imported water is typically higher in TDS than natural recharge. Recharging local surface supplies would likely provide water quality benefits, especially in areas with increased TDS levels	In-lieu use of imported water should not affect surface water flow in areas of potentially groundwater dependent vegetation will be distributed through YMWD's supply lines
3	Outreach to VID/City of Escondido/Rincon to Explore Potential Supplemental Water Supplies for In-Lieu Use or Managed Recharge	If able to be obtained, in-lieu use of supplemental water from VID would reduce groundwater pumping. Alternatively, recharging supplemental surface flows from VID would increase groundwater recharge. Both options would lessen potential declines in groundwater storage	If able to be obtained, in-lieu use of supplemental water from VID would reduce groundwater pumping. Alternatively, recharging supplemental surface flows from VID would increase groundwater recharge. Both options would lessen potential declines in groundwater level	Recharge of supplemental surface water (through either in-lieu use or managed recharge) would likely provide water quality benefits, especially in areas with increased TDS levels	Depends on delivery method and use of the water: In-lieu use through a distribution system should not affect surface flow while transfer of surface supplies would increase flow in certain areas of the basin. This would need to be considered in a feasibility study and areas of potentially groundwater dependent vegetation will need to be monitored for potential impacts

Summary of Sustainability Indicator Management by Proposed Projects and Management Actions

Tier / Implementation Schedule	Activity / Project	Sustainability Indicator			
		Reduction of Groundwater in Storage	Chronic Lowering of Groundwater Levels	Degraded Water Quality	Depletion of Interconnected Surface Water
3	Stormwater and/or Dry Weather Capture	Groundwater in storage would be increased by enhancing groundwater recharge	Enhanced groundwater recharge and increased groundwater storage are typically associated with increases in groundwater levels	Stormwater runoff is typically very good quality water. Capture and infiltration of this water source could provide water quality benefits, especially in areas with increased TDS levels	Depending on location of stormwater capture activities, diverting stormwater may reduce available surface water and cause reductions in surface flow. This would need to be considered in a feasibility study and areas of potentially groundwater dependent vegetation will need to be monitored for potential adverse impacts
3	Aquifer Storage and Recovery (ASR) / Managed Aquifer Recharge	Groundwater recharge would be increased, leading to increases in groundwater storage	Groundwater recharge would be increased, leading to increases in groundwater levels	Effects would depend on water source: imported or local surface supply. Recharge of imported water may improve water quality in areas with high TDS, but imported water is typically higher in TDS than natural recharge. Recharging local surface supplies would likely provide water quality benefits, especially in areas with increased TDS levels	The management of groundwater levels through additional groundwater recharge may prevent reductions in interconnected surface flow
4	Groundwater Pumping Curtailment	Groundwater pumping curtailment or restrictions halts or lessens the decline of groundwater levels, allowing water levels to recovery and groundwater storage to increase	Groundwater pumping curtailment or restrictions halts or lessens the decline of groundwater levels, allowing water levels to recovery and groundwater storage to increase	Groundwater pumping curtailment may lead to increased imported water use, which is typically higher in TDS than natural recharge	The management of groundwater levels through reduced groundwater pumping may prevent reductions in interconnected surface flow

## 7.0 Plan Implementation

### 7.1 Introduction

This section is intended to serve as a conceptual roadmap for efforts to start implementing the GSP over the first five years and discusses implementation effects in accordance with SGMA regulations sections 354.8(f)(2) and (3). Specific regulations guiding the content of this section were not developed by DWR.

The schedule and budgets presented in this section represent estimates and may need to be altered or revised after GSP implementation. In addition, as mentioned in the Projects and Management Actions (Section 6.0), not all of the proposed actions/projects may be necessary for sustainability. Therefore, the GSA intends to implement potential projects and management actions on an as-needed basis to meet MOs or address exceedances of MTs. In general, projects and actions will be considered in according to the tiered structure presented in the previous section. If a particular project or management action is selected for implementation, a feasibility study will be conducted to determine associated costs and potential effects/benefits.

Immediately following GSP submittal and approval, the GSA intends to begin the process of implementing Tier 1 management actions. Priority for the GSA include the outreach activities (to tribal entities, the County, VID, City of Escondido, and the public) as well as additional data collection (water levels, water quality, pumping, evaluating data gaps and monitoring recommendations outlined in Section 5.0, etc.). These collaborative and information gathering efforts are deemed to be of utmost importance for establishing cooperative sustainable management of the basin and refining understanding of groundwater conditions. Gathered information and monitoring data will be stored in the data management system established during development of this GSP.

A general schedule showing the major tasks and estimated timeline for the first five years is provided in Table 7-1.

Table 7-1. GSP Implementation Schedule

GSP Implementation Activities	Fiscal Year				
	2021	2022	2023	2024	2025
GSP Adoption	X				
GSP Submittal to DWR		X			
<b>JPA Administration and Operations</b>					
Convene Interactive Tribal Work Group		X	X	X	X
Convene Drought Resilience Work Group		X	X	X	X
Adaptive Groundwater Management		X	X	X	X
Groundwater Monitoring and Data Collection	X	X	X	X	X
<b>Potential Management Actions</b>					
Address Data Gaps		X	X	X	X
Outreach to San Diego County to Layout a Framework for GSA Collaboration		X	X	X	X
Outreach and Education for Agricultural Best Management Practices		X	X	X	X
Water Use Efficiency and Conservation Programs	X	X	X	X	X
Well Registration and Meter Installation Program			X	X	X

The implementation plan provided in this section is based on current understanding of USLR Valley Groundwater Subbasin conditions and anticipated administrative considerations that affect the management actions described in Section 6.0. Understanding of USLR Groundwater Subbasin conditions and administrative considerations will evolve over time based on future refinement of the hydrogeologic setting, groundwater flow conditions, and input from Subbasin stakeholders. Therefore, the first few years following GSP implementation will focus heavily on data collection and outreach.

Implementation of the GSP requires robust administrative and financing structures, with adequate staff and funding to ensure compliance with SGMA. The GSP calls for GSAs to routinely provide information to the public about GSP implementation and progress towards sustainability and the need to use groundwater efficiently. The GSP calls for a website to be maintained as a communication tool for posting data, reports and meeting information. The website may also include forms for on-line reporting of information needed by the GSAs (e.g., annual pumping amounts) and an interactive mapping function for viewing Subbasin features and monitoring information.

## 7.2 Administrative Approach

GSA will likely hire consultant(s) or hire staff to implement the GSP. If consultants are hired, it is anticipated that qualified professionals will be identified and hired through a competitive selection process. It is also anticipated that the lead GSA for a particular task will keep the other GSAs informed via periodic updates to the Cooperative Committee and the public. As needed, the GSAs would likely coordinate on the specific studies and analyses necessary to improve understanding of Subbasin conditions. The GSAs would likely then use new information on Subbasin conditions and projects to identify, evaluate, and/or improve management actions to achieve sustainability. This GSP calls for actions considered by the GSAs to be vetted through a public outreach process whereby groundwater pumpers and other stakeholders will have opportunities to provide input to the decision-making process.

## 7.3 Implementation Costs and Funding (§354.6(e))

As summarized in Table 7-2, a conceptual planning-level cost of about \$8,566,000 was estimated for planned activities during the first five years of implementation, or an estimated cost of approximately \$1,713,000 per year. This cost estimate reflects routine administrative operations, monitoring, public outreach, reporting, and potential implementation of select Tier 1 basin wide and area-specific management actions outlined in Section 6.0. This estimate assumes a centralized approach to implementation and staffing, it does not include CEQA or responding to DWR comments, nor does it include costs associated with any projects undertaken by willing entities.

The GSA is developing a Joint Power Authority (JPA) that will go into place within one to two months following GSP submittal. JPA member agencies will cover initial costs until a permanent source of funding is established (e.g., water use tax or fee) to be developed as a Tier 1 action. It is anticipated that an annual operating budget will be established that is considered for approval by the future JPA. This budget information and management action details would be used to conduct a fee study for purposes of developing a groundwater pumping fee to cover the costs of implementing the regulatory program described in the GSP including, but not limited to, costs related to monitoring and reporting, hydrogeologic studies, pumping reduction enforcement where necessary, and public outreach.

The GSA plan to conduct focused public outreach and hold meetings to educate and solicit input on the proposed fee structure and plan to begin developing the fee structure as soon as administratively feasible after GSP adoption.

California Water Code Sections 10730 and 10730.2 provide GSAs with the authority to impose certain fees, including fees on groundwater pumping. Any imposition of fees, taxes, or other charges would need to follow the applicable protocols outlined in the above sections and all applicable Constitutional requirements based on the nature of the fee. Such protocols would likely include public outreach, notification of all property owners, and at least one public hearing where the opinions and concerns of all parties are heard and considered before the GSA makes a determination to proceed with a fee or other charge.

It is assumed that any fee structure adopted by the GSA would be adopted by resolution or ordinance and would be identical in all material respects, i.e., with respect to levels and classes of uses. As part of or in conjunction with the feasibility study and in order to reduce the risk of a legal challenge, the GSA plans to

obtain the legal advice necessary to ensure that the proposed fee is consistent with all applicable legal requirements and rights.

With respect to those pumpers that are not anticipated to be subject to the fee, the GSA plans to develop a program pursuant to which such pumpers will be required to self-certify that they only pump for domestic purposes which would be de minimis to the USLR Groundwater Subbasin.

## 7.4 Annual Reporting

SGMA regulations require GSAs to submit an annual report on the implementation of the GSP to DWR (Water Code 10727.2, 10728, and 10733.2). An outline of the procedural and substantive requirements for the annual reports is presented below.

The JPA shall submit an annual report to DWR by April 1 of each year following the adoption of the Plan. The annual report shall include the following components for the preceding water year:

1. General information, including an executive summary and a location map depicting the USLR Groundwater Subbasin covered by the report.
2. A detailed description and graphical representation of the following conditions of the Subbasin managed in the Plan:
  - a. Groundwater elevation data from monitoring wells identified in the monitoring network shall be analyzed and displayed as follows:
    - i. Groundwater elevation contour maps for each principal aquifer in the basin illustrating, at a minimum, the seasonal high and seasonal low groundwater conditions.
    - ii. Hydrographs of groundwater elevations and water year type using historical data to the greatest extent available, including from January 1, 2015, to current reporting year.
  - b. Groundwater extraction for the preceding water year. Data shall be collected using the best available measurement methods and shall be presented in a table that summarizes groundwater extractions by water use sector, and identifies the method of measurement (direct or estimate) and accuracy of measurements, and a map that illustrates the general location and volume of groundwater extractions.
  - c. Surface water supply used or available for use, for groundwater recharge or in lieu use shall be reported based on quantitative data that describes the annual volume and sources for the preceding water year.
  - d. Total water use shall be collected using the best available measurement methods and shall be reported in a table that summarizes total water use by water use sector, water source type, and identifies the method of measurement (direct or estimate) and accuracy of measurements. Existing water use data from the most recent Urban Water Management Plans or Agricultural Water Management Plans within the basin may be used, as long as the data are reported by water year.



- e. Change in groundwater in storage shall include the following:
  - i. Change in groundwater in storage maps for each principal aquifer in the basin.
  - ii. A graph depicting water year type, groundwater use, the annual change in groundwater in storage, and the cumulative change in groundwater in storage for the basin based on historical data to the greatest extent available, including from January 1, 2015, to the current reporting year.
3. A description of progress towards implementing the Plan, including achieving interim milestones, and implementation of projects or management actions since the previous annual report.

## 7.5 Periodic (5-Year) Evaluations

SGMA regulations require the GSA to evaluate this GSP at least every five years and whenever the Plan is amended, and provide a written assessment to the DWR. (Water Code Sections 10727.2, 10728, 10728.2, 10733.2, and 10733.8). An outline of the procedural and substantive requirements for the periodic evaluations reports is presented below. To comply with the regulations, the USLR Groundwater Subbasin's assessment shall describe whether the Plan implementation, including implementation of projects and management actions, are meeting the sustainability goal in the Basin, and shall include the following:

### 7.5.1 Sustainability Evaluation

This section will contain a description of current groundwater conditions for each applicable sustainability indicator and will include a discussion of overall Basin sustainability. Progress toward achieving interim milestones and measurable objectives will be included, along with an evaluation of groundwater elevations (i.e., those being used as direct or proxy measures for the sustainability indicators) in relation to minimum thresholds. If any of the adaptive management triggers are found to be met during this evaluation, a plan for implementing adaptive management described in the GSP would be included.

### 7.5.2 Plan Implementation Progress

This section will describe the current status of project and management action implementation, and report on whether any adaptive management action triggers had been activated since the previous five-year report. An updated project implementation schedule will be included, along with any new projects that were developed to support the goals of the GSP and a description of any projects that are no longer included in the GSP. The benefits of projects that have been implemented will be included, and updates on projects and management actions that are underway at the time of the five-year report will be reported.

### 7.5.3 Reconsideration of GSP Elements

Part of the five-year report will include a reconsideration of GSP elements. As additional monitoring data are collected during GSP implementation, land uses and community characteristics change over time, and GSP projects and management actions are implemented, it may become necessary to revise the GSP. This section of the five-year report will reconsider the Basin Setting, management areas, sustainable yield, monitoring network locations, undesirable results, minimum thresholds, and measurable objectives. If appropriate, the five-year report will recommend revisions to the GSP. Revisions would be informed by

the outcomes of the monitoring network, and changes in the Basin, including changes to groundwater uses or supplies and outcomes of project implementation.

#### 7.5.4 Monitoring Network Description

A description of the monitoring network will be provided in the five-year report. Data gaps, or areas of the USLR Groundwater Subbasin that are not monitored in a manner commensurate with the requirements of Sections 352.4 and 354.34(c) of the SGMA regulations will be identified. An assessment of the monitoring network's function will also be provided, along with an analysis of data collected to date. If data gaps are identified, the GSP will be revised to include a program for addressing these data gaps, along with an implemented schedule for addressing gaps and how the JPA will incorporate updated data into the GSP.

#### 7.5.5 New Information

New information that becomes available after the last five-year evaluation or GSP amendment would be described and evaluated. If the new information would warrant a change to the GSP, this would also be included, as described in Section 7.5.3.

#### 7.5.6 Regulations or Ordinances

The five-year report will include a summary of the regulations or ordinances related to the GSP that have been implemented by DWR since the previous report, and address how these may require updates to the GSP.

#### 7.5.7 Legal or Enforcement Actions

SGMA gives the GSA certain authority to implement the GSP to provide local control and flexibility consistent with the sustainability goal (§10725). This includes:

- Adopting rules, regulations, ordinances, and resolutions in compliance with any procedural requirements
- Conducting investigations to determine the need for groundwater management, prepare and adopt a GSP and implementing rules/regulations, propose and update fees, and monitoring compliance and enforcement
- Requiring registration of groundwater extraction facilities and installation of water-measuring devices (except for de minimis extractors)
- Requiring reports of diversion of surface water
- Purchasing and providing water in exchange for a groundwater extractor's agreement to reduce or cease groundwater extractions

#### 7.5.8 Plan Amendments

A description of amendments to the GSP will be provided in the five-year report, including adopted amendments, recommended amendments for future updates, and amendments that are underway during development of the five-year report.

**Table 7-2. Estimated Planning-Level Costs for First Five Years of Implementation<sup>1</sup>**

GSP Implementation Activities	Implementation Tier	Relevant Measurable Objective Benefit				Estimated Implementation Cost	Cost Unit	Estimated Costs During Startup (2020-2025)
		Groundwater Levels	Groundwater Storage	Water Quality	Groundwater Dependent Ecosystem			
<b>Administration and Reporting</b>								
Administration Development	1	N/A	N/A	N/A	N/A	\$53,430	\$102.75/hr	\$267,150
Ongoing GSP Implementation Administration and Legal Support	1	N/A	N/A	N/A	N/A	\$25,000	Annual	\$125,000
Public Outreach	1	N/A	N/A	N/A	N/A	\$2,000	Annual	\$10,000
Monitoring Program Data Management	1	N/A	N/A	N/A	N/A	\$5,000	Annual	\$25,000
Annual Reporting	1	X	X	X	X	\$30,000	Annual	\$150,000
5-Year Report	1	X	X	X	X	\$100,000	5- Year	\$100,000
<b>Potential Management Actions</b>								
Convene an Interactive Tribal Work Group	1	X	X	N/A	X	\$5,000	Annual	\$25,000
Convene a Drought Resilience Work Group	1	X	X	N/A	N/A	\$5,000	Annual	\$25,000
Address Data Gaps								
<i>Expand Monitoring Well Network- Drill Monitoring Only Well</i>	1	X	X	X	X	\$450,000	Lump Sum	\$450,000
<i>Install surface flow gauge in river</i>	1	X	X	N/A	X	\$17,000	First 2 years	\$34,000
<i>Field validation of aquifer properties (aquifer testing)</i>	1	X	X	X	X	\$100,000	First 2 years	\$200,000
Ongoing Groundwater Level and Water Quality Monitoring	1	X	X	X	X	\$100,000	Annual	\$500,000
Outreach to San Diego County to layout a framework for GSA collaboration	1	X	X	X	X	\$5,000	Lump Sum	\$5,000
Agricultural management plan and best management practices	1	X	X	X	X	\$50,000	Lump Sum	\$50,000
Water Use Efficiency and Conservation Programs	1	X	X	X	X	\$10,000	Annual	\$50,000
Well Registration and Meter Installation Program	2	X	X	X	X	\$150,000	First 2 years	\$300,000
<b>Potential Projects</b>								
Additional water conservation activities (rebate programs, rainwater capture, crop swap programs, leak detection assessments, etc.)	2	X	X	N/A	N/A	\$200,000	Annual	\$1,000,000
In-Lieu recharge through increased surface water delivery	3	X	X	X	N/A	\$5,000,000	Lump Sum	\$5,000,000
Indirect recharge through decreased evapotranspiration (e.g., removal of invasive species)	3	X	X	X	X	\$250,000	Lump Sum	\$250,000

Total Estimated Costs during Startup (2020-2025)      \$8,566,150  
 Average Annual Estimated Costs during Startup (2020-2025)      \$1,713,230

(1) This estimate assumes a centralized approach to implementation and staffing, it does not include CEQA, legal staff costs, individual GSA staff costs or responding to DWR Comments, nor does it include costs associated with any projects undertaken by willing entities.

**APPENDIX 1A**

**GSP Checklist**

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
§ 354.		<b>Introduction to Plan Contents</b>					
		This Article describes the required contents of Plans submitted to the Department for evaluation, including administrative information, a description of the basin setting, sustainable management criteria, description of the monitoring network, and projects and management actions.					
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Section 10733.2, Water Code.					
<b>SubArticle 1.</b>		<b>Administrative Information</b>					
§ 354.2.		<b>Introduction to Administrative Information</b>					
		This Subarticle describes information in the Plan relating to administrative and other general information about the Agency that has adopted the Plan and the area covered by the Plan.					
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Section 10733.2, Water Code.					
§ 354.4.		<b>General Information</b>					
		Each Plan shall include the following general information:					
(a)		An executive summary written in plain language that provides an overview of the Plan and description of groundwater conditions in the basin.		0.0			
(b)		A list of references and technical studies relied upon by the Agency in developing the Plan. Each Agency shall provide to the Department electronic copies of reports and other documents and materials cited as references that are not generally available to the public.		2.6, 3.5, 4.6, 5.7, 6.11			References provided at the end of each section
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10733.2 and 10733.4, Water Code.					
§ 354.6.		<b>Agency Information</b>					
		When submitting an adopted Plan to the Department, the Agency shall include a copy of the information provided pursuant to Water Code Section 10723.8, with any updates, if necessary, along with the following information:					
(a)		The name and mailing address of the Agency.		1.3.1			
(b)		The organization and management structure of the Agency, identifying persons with management authority for implementation of the Plan.		1.3.2			
(c)		The name and contact information, including the phone number, mailing address and electronic mail address, of the plan manager.		1.3.2			
(d)		The legal authority of the Agency, with specific reference to citations setting forth the duties, powers, and responsibilities of the Agency, demonstrating that the Agency has the legal authority to implement the Plan.		1.3.3			
(e)		An estimate of the cost of implementing the Plan and a general description of how the Agency plans to meet those costs.		7.3			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10723.8, 10727.2, and 10733.2, Water Code.					
§ 354.8.		<b>Description of Plan Area</b>					

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
		Each Plan shall include a description of the geographic areas covered, including the following information:					
(a)		One or more maps of the basin that depict the following, as applicable:					
	(1)	The area covered by the Plan, delineating areas managed by the Agency as an exclusive Agency and any areas for which the Agency is not an exclusive Agency, and the name and location of any adjacent basins.		2.1	2-2		
	(2)	Adjudicated areas, other Agencies within the basin, and areas covered by an Alternative.		2.1, 2.2.3			
	(3)	Jurisdictional boundaries of federal or state land (including the identity of the agency with jurisdiction over that land), tribal land, cities, counties, agencies with water management responsibilities, and areas covered by relevant general plans.		2.1	2-3, 2-4		
	(4)	Existing land use designations and the identification of water use sector and water source type.		2.1.1	2-5		
	(5)	The density of wells per square mile, by dasymetric or similar mapping techniques, showing the general distribution of agricultural, industrial, and domestic water supply wells in the basin, including de minimis extractors, and the location and extent of communities dependent upon groundwater, utilizing data provided by the Department, as specified in Section 353.2, or the best available information.		2.1.2.1	2-7		
(b)		A written description of the Plan area, including a summary of the jurisdictional areas and other features depicted on the map.		2.1			
(c)		Identification of existing water resource monitoring and management programs, and description of any such programs the Agency plans to incorporate in its monitoring network or in development of its Plan. The Agency may coordinate with existing water resource monitoring and management programs to incorporate and adopt that program as part of the Plan.		2.2			
(d)		A description of how existing water resource monitoring or management programs may limit operational flexibility in the basin, and how the Plan has been developed to adapt to those limits.		2.2.3			
(e)		A description of conjunctive use programs in the basin.		n/a			
(f)		A plain language description of the land use elements or topic categories of applicable general plans that includes the following:					
	(1)	A summary of general plans and other land use plans governing the basin.		2.3.1			
	(2)	A general description of how implementation of existing land use plans may change water demands within the basin or affect the ability of the Agency to achieve sustainable groundwater management over the planning and implementation horizon, and how the Plan addresses those potential effects		2.3.1, 2.3.2			
	(3)	A general description of how implementation of the Plan may affect the water supply assumptions of relevant land use plans over the planning and implementation horizon.		2.3.1, 3.3.5.8			
	(4)	A summary of the process for permitting new or replacement wells in the basin, including adopted standards in local well ordinances, zoning codes, and policies contained in adopted land use plans.		2.3.3, 2.4.5			

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	(5)	To the extent known, the Agency may include information regarding the implementation of land use plans outside the basin that could affect the ability of the Agency to achieve sustainable groundwater management.		n/a			
(g)		A description of any of the additional Plan elements included in Water Code Section 10727.4 that the Agency determines to be appropriate. Note: Authority cited: Section 10733.2, Water Code. Reference: Sections 10720.3, 10727.2, 10727.4, 10733, and 10733.2, Water Code.		2.4			
<b>§ 354.10.</b>		<b>Notice and Communication</b>					
		Each Plan shall include a summary of information relating to notification and communication by the Agency with other agencies and interested parties including the following:					
(a)		A description of the beneficial uses and users of groundwater in the basin, including the land uses and property interests potentially affected by the use of groundwater in the basin, the types of parties representing those interests, and the nature of consultation with those parties.		2.5, 3.3.4.3, 4.3.1.2			Also Appendices 2a and 2b
(b)		A list of public meetings at which the Plan was discussed or considered by the Agency.		2.5			
(c)		Comments regarding the Plan received by the Agency and a summary of any responses by the Agency.		2.5			Appendix 2b
(d)		A communication section of the Plan that includes the following:					
	(1)	An explanation of the Agency's decision-making process.		2.5.1			
	(2)	Identification of opportunities for public engagement and a discussion of how public input and response will be used.		2.5			Appendix 2a
	(3)	A description of how the Agency encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.		2.5			Appendix 2a - Equitable Engagement
	(4)	The method the Agency shall follow to inform the public about progress implementing the Plan, including the status of projects and actions. Note: Authority cited: Section 10733.2, Water Code. Reference: Sections 10723.2, 10727.8, 10728.4, and 10733.2, Water Code		2.5			Appendix 2a
<b>SubArticle 2.</b>		<b>Basin Setting</b>					
<b>§ 354.12.</b>		<b>Introduction to Basin Setting</b>					
		This Subarticle describes the information about the physical setting and characteristics of the basin and current conditions of the basin that shall be part of each Plan, including the identification of data gaps and levels of uncertainty, which comprise the basin setting that serves as the basis for defining and assessing reasonable sustainable management criteria and projects and management actions. Information provided pursuant to this Subarticle shall be prepared by or under the direction of a professional geologist or professional engineer. Note: Authority cited: Section 10733.2, Water Code. Reference: Section 10733.2, Water Code.					
<b>§ 354.14.</b>		<b>Hydrogeologic Conceptual Model</b>					

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			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
(a)		Each Plan shall include a descriptive hydrogeologic conceptual model of the basin based on technical studies and qualified maps that characterizes the physical components and interaction of the surface water and groundwater systems in the basin.		3.2, 3.3			
(b)		The hydrogeologic conceptual model shall be summarized in a written description that includes the following:					
	(1)	The regional geologic and structural setting of the basin including the immediate surrounding area, as necessary for geologic consistency.		3.2.1			
	(2)	Lateral basin boundaries, including major geologic features that significantly affect groundwater flow.		3.2.1, 3.3.1, 3.3.2			
	(3)	The definable bottom of the basin.		3.2.2.1			Appendix 3d, Figure 19
	(4)	Principal aquifers and aquitards, including the following information:					
	(A)	Formation names, if defined.		3.2.2, 3.3.2			
	(B)	Physical properties of aquifers and aquitards, including the vertical and lateral extent, hydraulic conductivity, and storativity, which may be based on existing technical studies or other best available information.		3.2.2, 3.3.2.1			Appendix 3d, Figures 20 and 21
	(C)	Structural properties of the basin that restrict groundwater flow within the principal aquifers, including information regarding stratigraphic changes, truncation of units, or other features.		3.2.1, 3.3.1, 3.3.2			
	(D)	General water quality of the principal aquifers, which may be based on information derived from existing technical studies or regulatory programs.		3.3.4.3			
	(E)	Identification of the primary use or uses of each aquifer, such as domestic, irrigation, or municipal water supply.		3.3.2.2			
	(5)	Identification of data gaps and uncertainty within the hydrogeologic conceptual model		5.3, 3.3.2.1, 3.3.4.1, 3.3.4.2, 3.3.4.3, 3.3.4.4, 3.3.4.5, 3.3.5.1, 3.3.5.8, 4.1.1, 6.2.2			Appendix 3d, Section 4.0
(c)		The hydrogeologic conceptual model shall be represented graphically by at least two scaled cross-sections that display the information required by this section and are sufficient to depict major stratigraphic and structural features in the basin.			3-4, 3-5, 3-6, 3-7		
(d)		Physical characteristics of the basin shall be represented on one or more maps that depict the following:					
	(1)	Topographic information derived from the U.S. Geological Survey or another reliable source.		3.1			Topography shown as DEM on most figures
	(2)	Surficial geology derived from a qualified map including the locations of cross-sections required by this Section.		3.2.2	3-3		



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	(3)	Soil characteristics as described by the appropriate Natural Resources Conservation Service soil survey or other applicable studies.		3.2.3	3-8		
	(4)	Delineation of existing recharge areas that substantially contribute to the replenishment of the basin, potential recharge areas, and discharge areas, including significant active springs, seeps, and wetlands within or adjacent to the basin.		3.3.3	3-27		
	(5)	Surface water bodies that are significant to the management of the basin.		3.3.3.1.3, 3.3.4.4	3-22		
	(6)	The source and point of delivery for imported water supplies.		3.3.3.1.4	3-1		
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10727.2, 10733, and 10733.2, Water Code.					
<b>§ 354.16. Groundwater Conditions</b>							
		Each Plan shall provide a description of current and historical groundwater conditions in the basin, including data from January 1, 2015, to current conditions, based on the best available information that includes the following:					
	(a)	Groundwater elevation data demonstrating flow directions, lateral and vertical gradients, and regional pumping patterns, including:					
	(1)	Groundwater elevation contour maps depicting the groundwater table or potentiometric surface associated with the current seasonal high and seasonal low for each principal aquifer within the basin.		3.3.4.1	3-12, 3-11		Insufficient data resolution for seasonal characterization - refer to Section 5.3
	(2)	Hydrographs depicting long-term groundwater elevations, historical highs and lows, and hydraulic gradients between principal aquifers.		3.3.4.1	3-14, 3-15		
	(b)	A graph depicting estimates of the change in groundwater in storage, based on data, demonstrating the annual and cumulative change in the volume of groundwater in storage between seasonal high groundwater conditions, including the annual groundwater use and water year type.			3-37	3-14	
	(c)	Seawater intrusion conditions in the basin, including maps and cross-sections of the seawater intrusion front for each principal aquifer.		3.3.4.6			Not deemed applicable to subbasin
	(d)	Groundwater quality issues that may affect the supply and beneficial uses of groundwater, including a description and map of the location of known groundwater contamination sites and plumes.		3.3.4.3			
	(e)	The extent, cumulative total, and annual rate of land subsidence, including maps depicting total subsidence, utilizing data available from the Department, as specified in Section 353.2, or the best available information.		3.3.4.7			Not deemed applicable to subbasin
	(f)	Identification of interconnected surface water systems within the basin and an estimate of the quantity and timing of depletions of those systems, utilizing data available from the Department, as specified in Section 353.2, or the best available information.		3.3.4.4	3-22		
	(g)	Identification of groundwater dependent ecosystems within the basin, utilizing data available from the Department, as specified in Section 353.2, or the best available information.		3.3.4.5	3-25		
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10723.2, 10727.2, 10727.4, and 10733.2, Water Code.					

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§ 354.18.		<b>Water Budget</b>					
(a)		Each Plan shall include a water budget for the basin that provides an accounting and assessment of the total annual volume of groundwater and surface water entering and leaving the basin, including historical, current and projected water budget conditions, and the change in the volume of water stored. Water budget information shall be reported in tabular and graphical form.		3.3.5	3-38, 3-39, 3-40	3-14, 3-15	
(b)		The water budget shall quantify the following, either through direct measurements or estimates based on data:					
	(1)	Total surface water entering and leaving a basin by water source type.		3.3.5			
	(2)	Inflow to the groundwater system by water source type, including subsurface groundwater inflow and infiltration of precipitation, applied water, and surface water systems, such as lakes, streams, rivers, canals, springs and conveyance systems.		3.3.5.2	3-28 : 3-33	3-14	
	(3)	Outflows from the groundwater system by water use sector, including evapotranspiration, groundwater extraction, groundwater discharge to surface water sources, and subsurface groundwater outflow.		3.3.5.3	3-34 : 3-36	3-14	
	(4)	The change in the annual volume of groundwater in storage between seasonal high conditions.		3.3.4.2, 3.3.5.4	3-37	3-14	
	(5)	If overdraft conditions occur, as defined in Bulletin 118, the water budget shall include a quantification of overdraft over a period of years during which water year and water supply conditions approximate average conditions.		3.3.5.9			
	(6)	The water year type associated with the annual supply, demand, and change in groundwater stored.		3.3.4.1, 3.3.5.5:3.3.5.6	3-2		
	(7)	An estimate of sustainable yield for the basin.		3.3.5.8		3-9	
(c)		Each Plan shall quantify the current, historical, and projected water budget for the basin as follows:					
	(1)	Current water budget information shall quantify current inflows and outflows for the basin using the most recent hydrology, water supply, water demand, and land use information.		3.3.5.6	3-39	3-14	
	(2)	Historical water budget information shall be used to evaluate availability or reliability of past surface water supply deliveries and aquifer response to water supply and demand trends relative to water year type. The historical water budget shall include the following:					
	(A)	A quantitative evaluation of the availability or reliability of historical surface water supply deliveries as a function of the historical planned versus actual annual surface water deliveries, by surface water source and water year type, and based on the most recent ten years of surface water supply information.		3.3.5.8.2	3-31	3-11, 3-12	

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	(B)	A quantitative assessment of the historical water budget, starting with the most recently available information and extending back a minimum of 10 years, or as is sufficient to calibrate and reduce the uncertainty of the tools and methods used to estimate and project future water budget information and future aquifer response to proposed sustainable groundwater management practices over the planning and implementation horizon.		3.3.5.5	3-38	3-14	
	(C)	A description of how historical conditions concerning hydrology, water demand, and surface water supply availability or reliability have impacted the ability of the Agency to operate the basin within sustainable yield. Basin hydrology may be characterized and evaluated using water year type.		3.3.5.5, 3.3.5.8, 3.3.5.9			
	(3)	Projected water budgets shall be used to estimate future baseline conditions of supply, demand, and aquifer response to Plan implementation, and to identify the uncertainties of these projected water budget components. The projected water budget shall utilize the following methodologies and assumptions to estimate future baseline conditions concerning hydrology, water demand and surface water supply availability or reliability over the planning and implementation horizon:					
	(A)	Projected hydrology shall utilize 50 years of historical precipitation, evapotranspiration, and streamflow information as the baseline condition for estimating future hydrology. The projected hydrology information shall also be applied as the baseline condition used to evaluate future scenarios of hydrologic uncertainty associated with projections of climate change and sea level rise.		3.3.5.7, 3.3.5.8.1	3-40	3-15	
	(B)	Projected water demand shall utilize the most recent land use, evapotranspiration, and crop coefficient information as the baseline condition for estimating future water demand. The projected water demand information shall also be applied as the baseline condition used to evaluate future scenarios of water demand uncertainty associated with projected changes in local land use planning, population growth, and climate.		3.3.5.7, 3.3.5.8.1			
	(C)	Projected surface water supply shall utilize the most recent water supply information as the baseline condition for estimating future surface water supply. The projected surface water supply shall also be applied as the baseline condition used to evaluate future scenarios of surface water supply availability and reliability as a function of the historical surface water supply identified in Section 354.18(c)(2)(A), and the projected changes in local land use planning, population growth, and climate.		3.3.5.7, 3.3.5.8.2			
(d)		The Agency shall utilize the following information provided, as available, by the Department pursuant to Section 353.2, or other data of comparable quality, to develop the water budget:					
	(1)	Historical water budget information for mean annual temperature, mean annual precipitation, water year type, and land use.		3.3.5.5			Appendix 3d
	(2)	Current water budget information for temperature, water year type, evapotranspiration, and land use.		3.3.5.6			Appendix 3d
	(3)	Projected water budget information for population, population growth, climate change, and sea level rise.		3.3.5.7, 3.3.5.8.1			

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(e)		Each Plan shall rely on the best available information and best available science to quantify the water budget for the basin in order to provide an understanding of historical and projected hydrology, water demand, water supply, land use, population, climate change, sea level rise, groundwater and surface water interaction, and subsurface groundwater flow. If a numerical groundwater and surface water model is not used to quantify and evaluate the projected water budget conditions and the potential impacts to beneficial uses and users of groundwater, the Plan shall identify and describe an equally effective method, tool, or analytical model to evaluate projected water budget conditions.		3.3.5.1			Appendix 3d
(f)		The Department shall provide the California Central Valley Groundwater-Surface Water Simulation Model (C2VSIM) and the Integrated Water Flow Model (IWF) for use by Agencies in developing the water budget. Each Agency may choose to use a different groundwater and surface water model, pursuant to Section 352.4.		3.3.5.1			Appendix 3d
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10721, 10723.2, 10727.2, 10727.6, 10729, and 10733.2, Water Code.					
<b>§ 354.20.</b>		<b>Management Areas</b>					
(a)		Each Agency may define one or more management areas within a basin if the Agency has determined that creation of management areas will facilitate implementation of the Plan. Management areas may define different minimum thresholds and be operated to different measurable objectives than the basin at large, provided that undesirable results are defined consistently throughout the basin.		3.4			
(b)		A basin that includes one or more management areas shall describe the following in the Plan:					
	(1)	The reason for the creation of each management area.		n/a			
	(2)	The minimum thresholds and measurable objectives established for each management area, and an explanation of the rationale for selecting those values, if different from the basin at large.		n/a			
	(3)	The level of monitoring and analysis appropriate for each management area.		n/a			
	(4)	An explanation of how the management area can operate under different minimum thresholds and measurable objectives without causing undesirable results outside the management area, if applicable.		n/a			
(c)		If a Plan includes one or more management areas, the Plan shall include descriptions, maps, and other information required by this Subarticle sufficient to describe conditions in those areas.		n/a			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10733.2 and 10733.4, Water Code.					
<b>SubArticle 3.</b>		<b>Sustainable Management Criteria</b>					
<b>§ 354.22.</b>		<b>Introduction to Sustainable Management Criteria</b>					

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		This Subarticle describes criteria by which an Agency defines conditions in its Plan that constitute sustainable groundwater management for the basin, including the process by which the Agency shall characterize undesirable results, and establish minimum thresholds and measurable objectives for each applicable sustainability indicator.					
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Section 10733.2, Water Code.					
		<b>§ 354.24. Sustainability Goal</b>					
		Each Agency shall establish in its Plan a sustainability goal for the basin that culminates in the absence of undesirable results within 20 years of the applicable statutory deadline. The Plan shall include a description of the sustainability goal, including information from the basin setting used to establish the sustainability goal, a discussion of the measures that will be implemented to ensure that the basin will be operated within its sustainable yield, and an explanation of how the sustainability goal is likely to be achieved within 20 years of Plan implementation and is likely to be maintained through the planning and implementation horizon.		4.2			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10721, 10727, 10727.2, 10733.2, and 10733.8, Water Code.					
		<b>§ 354.26. Undesirable Results</b>					
	(a)	Each Agency shall describe in its Plan the processes and criteria relied upon to define undesirable results applicable to the basin. Undesirable results occur when significant and unreasonable effects for any of the sustainability indicators are caused by groundwater conditions occurring throughout the basin.		4.3			
	(b)	The description of undesirable results shall include the following:					
	(1)	The cause of groundwater conditions occurring throughout the basin that would lead to or has led to undesirable results based on information described in the basin setting, and other data or models as appropriate.		4.3			
	(2)	The criteria used to define when and where the effects of the groundwater conditions cause undesirable results for each applicable sustainability indicator. The criteria shall be based on a quantitative description of the combination of minimum threshold exceedances that cause significant and unreasonable effects in the basin.		4.4			
	(3)	Potential effects on the beneficial uses and users of groundwater, on land uses and property interests, and other potential effects that may occur or are occurring from undesirable results.		4.3.1.2, 4.3.2.2, 4.3.3.2, 4.3.4			
	(c)	The Agency may need to evaluate multiple minimum thresholds to determine whether an undesirable result is occurring in the basin. The determination that undesirable results are occurring may depend upon measurements from multiple monitoring sites, rather than a single monitoring site.		4.4, 4.1.1			

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	(d)	An Agency that is able to demonstrate that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin shall not be required to establish criteria for undesirable results related to those sustainability indicators.  Note: Authority cited: Section 10733.2, Water Code. Reference: Sections 10721, 10723.2, 10727.2, 10733.2, and 10733.8, Water Code.		4.3.5, 4.3.6			
		<b>§ 354.28. Minimum Thresholds</b>					
	(a)	Each Agency in its Plan shall establish minimum thresholds that quantify groundwater conditions for each applicable sustainability indicator at each monitoring site or representative monitoring site established pursuant to Section 354.36. The numeric value used to define minimum thresholds shall represent a point in the basin that, if exceeded, may cause undesirable results as described in Section 354.26.		4.4			
	(b)	The description of minimum thresholds shall include the following:					
	(1)	The information and criteria relied upon to establish and justify the minimum thresholds for each sustainability indicator. The justification for the minimum threshold shall be supported by information provided in the basin setting, and other data or models as appropriate, and qualified by uncertainty in the understanding of the basin setting.		4.4			
	(2)	The relationship between the minimum thresholds for each sustainability indicator, including an explanation of how the Agency has determined that basin conditions at each minimum threshold will avoid undesirable results for each of the sustainability indicators.		4.4			
	(3)	How minimum thresholds have been selected to avoid causing undesirable results in adjacent basins or affecting the ability of adjacent basins to achieve sustainability goals.		4.4			
	(4)	How minimum thresholds may affect the interests of beneficial uses and users of groundwater or land uses and property interests.		4.4			
	(5)	How state, federal, or local standards relate to the relevant sustainability indicator. If the minimum threshold differs from other regulatory standards, the Agency shall explain the nature of and basis for the difference.		4.4			
	(6)	How each minimum threshold will be quantitatively measured, consistent with the monitoring network requirements described in Subarticle 4.		4.4			
	(c)	Minimum thresholds for each sustainability indicator shall be defined as follows:					
	(1)	Chronic Lowering of Groundwater Levels. The minimum threshold for chronic lowering of groundwater levels shall be the groundwater elevation indicating a depletion of supply at a given location that may lead to undesirable results. Minimum thresholds for chronic lowering of groundwater levels shall be supported by the following:					
	(A)	The rate of groundwater elevation decline based on historical trends, water year type, and projected water use in the basin.		4.4.1			
	(B)	Potential effects on other sustainability indicators.		4.4.1		4-1	

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	(2)	Reduction of Groundwater Storage. The minimum threshold for reduction of groundwater storage shall be a total volume of groundwater that can be withdrawn from the basin without causing conditions that may lead to undesirable results. Minimum thresholds for reduction of groundwater storage shall be supported by the sustainable yield of the basin, calculated based on historical trends, water year type, and projected water use in the basin.		4.4.2			
	(3)	Seawater Intrusion. The minimum threshold for seawater intrusion shall be defined by a chloride concentration isocontour for each principal aquifer where seawater intrusion may lead to undesirable results. Minimum thresholds for seawater intrusion shall be supported by the following:					
	(A)	Maps and cross-sections of the chloride concentration isocontour that defines the minimum threshold and measurable objective for each principal aquifer.		n/a			
	(B)	A description of how the seawater intrusion minimum threshold considers the effects of current and projected sea levels.		n/a			
	(4)	Degraded Water Quality. The minimum threshold for degraded water quality shall be the degradation of water quality, including the migration of contaminant plumes that impair water supplies or other indicator of water quality as determined by the Agency that may lead to undesirable results. The minimum threshold shall be based on the number of supply wells, a volume of water, or a location of an isocontour that exceeds concentrations of constituents determined by the Agency to be of concern for the basin. In setting minimum thresholds for degraded water quality, the Agency shall consider local, state, and federal water quality standards applicable to the basin.		4.4.3			
	(5)	Land Subsidence. The minimum threshold for land subsidence shall be the rate and extent of subsidence that substantially interferes with surface land uses and may lead to undesirable results. Minimum thresholds for land subsidence shall be supported by the following:					
	(A)	Identification of land uses and property interests that have been affected or are likely to be affected by land subsidence in the basin, including an explanation of how the Agency has determined and considered those uses and interests, and the Agency's rationale for establishing minimum thresholds in light of those effects.		n/a			
	(B)	Maps and graphs showing the extent and rate of land subsidence in the basin that defines the minimum threshold and measurable objectives.		n/a			
	(6)	Depletions of Interconnected Surface Water. The minimum threshold for depletions of interconnected surface water shall be the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results. The minimum threshold established for depletions of interconnected surface water shall be supported by the following:					
	(A)	The location, quantity, and timing of depletions of interconnected surface water.		n/a			Note: not enough information to characterize interconnected surface water. See Section 5.3. Groundwater elevation used as proxy

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	(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.		n/a			Note: not enough information to characterize interconnected surface water. See Section 5.3. Groundwater elevation used as proxy
(d)		An Agency may establish a representative minimum threshold for groundwater elevation to serve as the value for multiple sustainability indicators, where the Agency can demonstrate that the representative value is a reasonable proxy for multiple individual minimum thresholds as supported by adequate evidence.		4.4.4			
(e)		An Agency that has demonstrated that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin, as described in Section 354.26, shall not be required to establish minimum thresholds related to those sustainability indicators.		4.3.5, 4.3.6			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10723.2, 10727.2, 10733, 10733.2, and 10733.8, Water Code.					
<b>§ 354.30.</b>		<b>Measurable Objectives</b>					
(a)		Each Agency shall establish measurable objectives, including interim milestones in increments of five years, to achieve the sustainability goal for the basin within 20 years of Plan implementation and to continue to sustainably manage the groundwater basin over the planning and implementation horizon.		4.5		4-1	
(b)		Measurable objectives shall be established for each sustainability indicator, based on quantitative values using the same metrics and monitoring sites as are used to define the minimum thresholds.		4.5			
(c)		Measurable objectives shall provide a reasonable margin of operational flexibility under adverse conditions which shall take into consideration components such as historical water budgets, seasonal and long-term trends, and periods of drought, and be commensurate with levels of uncertainty.		4.5			
(d)		An Agency may establish a representative measurable objective for groundwater elevation to serve as the value for multiple sustainability indicators where the Agency can demonstrate that the representative value is a reasonable proxy for multiple individual measurable objectives as supported by adequate evidence.		4.5			
(e)		Each Plan shall describe a reasonable path to achieve the sustainability goal for the basin within 20 years of Plan implementation, including a description of interim milestones for each relevant sustainability indicator, using the same metric as the measurable objective, in increments of five years. The description shall explain how the Plan is likely to maintain sustainable groundwater management over the planning and implementation horizon.		4.5		4-1	
(f)		Each Plan may include measurable objectives and interim milestones for additional Plan elements described in Water Code Section 10727.4 where the Agency determines such measures are appropriate for sustainable groundwater management in the basin.		n/a			



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(g)		An Agency may establish measurable objectives that exceed the reasonable margin of operational flexibility for the purpose of improving overall conditions in the basin, but failure to achieve those objectives shall not be grounds for a finding of inadequacy of the Plan.		n/a			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10727.2, 10727.4, and 10733.2, Water Code.					
<b>SubArticle 4. Monitoring Networks</b>							
<b>§ 354.32. Introduction to Monitoring Networks</b>							
		This Subarticle describes the monitoring network that shall be developed for each basin, including monitoring objectives, monitoring protocols, and data reporting requirements. The monitoring network shall promote the collection of data of sufficient quality, frequency, and distribution to characterize groundwater and related surface water conditions in the basin and evaluate changing conditions that occur through implementation of the Plan.					
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Section 10733.2, Water Code.					
<b>§ 354.34. Monitoring Network</b>							
(a)		Each Agency shall develop a monitoring network capable of collecting sufficient data to demonstrate short-term, seasonal, and long-term trends in groundwater and related surface conditions, and yield representative information about groundwater conditions as necessary to evaluate Plan implementation.		5.0			
(b)		Each Plan shall include a description of the monitoring network objectives for the basin, including an explanation of how the network will be developed and implemented to monitor groundwater and related surface conditions, and the interconnection of surface water and groundwater, with sufficient temporal frequency and spatial density to evaluate the affects and effectiveness of Plan implementation. The monitoring network objectives shall be implemented to accomplish the following:					
	(1)	Demonstrate progress toward achieving measurable objectives described in the Plan.		5.4			
	(2)	Monitor impacts to the beneficial uses or users of groundwater.		4.1.1, 5.2, 5.3, 5.5			
	(3)	Monitor changes in groundwater conditions relative to measurable objectives and minimum thresholds.		4.1.1, 5.4, 5.5			
	(4)	Quantify annual changes in water budget components.		5.1			
(c)		Each monitoring network shall be designed to accomplish the following for each sustainability indicator:					
	(1)	Chronic Lowering of Groundwater Levels. Demonstrate groundwater occurrence, flow directions, and hydraulic gradients between principal aquifers and surface water features by the following methods:					
	(A)	A sufficient density of monitoring wells to collect representative measurements through depth-discrete perforated intervals to characterize the groundwater table or potentiometric surface for each principal aquifer.		5.2, 5.5			

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
	(B)	Static groundwater elevation measurements shall be collected at least two times per year, to represent seasonal low and seasonal high groundwater conditions.		5.6.1			
	(2)	Reduction of Groundwater Storage. Provide an estimate of the change in annual groundwater in storage.		5.4.2, 5.1			Groundwater level as a proxy, supported by groundwater modeling
	(3)	Seawater Intrusion. Monitor seawater intrusion using chloride concentrations, or other measurements convertible to chloride concentrations, so that the current and projected rate and extent of seawater intrusion for each applicable principal aquifer may be calculated.		n/a			
	(4)	Degraded Water Quality. Collect sufficient spatial and temporal data from each applicable principal aquifer to determine groundwater quality trends for water quality indicators, as determined by the Agency, to address known water quality issues.		5.4.3, 5.1, 5.6.1			
	(5)	Land Subsidence. Identify the rate and extent of land subsidence, which may be measured by extensometers, surveying, remote sensing technology, or other appropriate method.		n/a			
	(6)	Depletions of Interconnected Surface Water. Monitor surface water and groundwater, where interconnected surface water conditions exist, to characterize the spatial and temporal exchanges between surface water and groundwater, and to calibrate and apply the tools and methods necessary to calculate depletions of surface water caused by groundwater extractions. The monitoring network shall be able to characterize the following:					
	(A)	Flow conditions including surface water discharge, surface water head, and baseflow contribution.		5.4.4, 5.3, 5.5			
	(B)	Identifying the approximate date and location where ephemeral or intermittent flowing streams and rivers cease to flow, if applicable.		5.4.4, 5.3, 5.5			
	(C)	Temporal change in conditions due to variations in stream discharge and regional groundwater extraction.		5.4.4, 5.3, 5.5			
	(D)	Other factors that may be necessary to identify adverse impacts on beneficial uses of the surface water.		5.4.4, 5.3, 5.5			
(d)		The monitoring network shall be designed to ensure adequate coverage of sustainability indicators. If management areas are established, the quantity and density of monitoring sites in those areas shall be sufficient to evaluate conditions of the basin setting and sustainable management criteria specific to that area.		5.3, 5.5			
(e)		A Plan may utilize site information and monitoring data from existing sources as part of the monitoring network.		5.1, 5.2			
(f)		The Agency shall determine the density of monitoring sites and frequency of measurements required to demonstrate short-term, seasonal, and long-term trends based upon the following factors:					
	(1)	Amount of current and projected groundwater use.		5.3, 5.5			
	(2)	Aquifer characteristics, including confined or unconfined aquifer conditions, or other physical characteristics that affect groundwater flow.		5.3, 5.5			

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
	(3)	Impacts to beneficial uses and users of groundwater and land uses and property interests affected by groundwater production, and adjacent basins that could affect the ability of that basin to meet the sustainability goal.		5.3, 5.5			
	(4)	Whether the Agency has adequate long-term existing monitoring results or other technical information to demonstrate an understanding of aquifer response.		5.3, 5.5			
	(g)	Each Plan shall describe the following information about the monitoring network:					
	(1)	Scientific rationale for the monitoring site selection process.		5.2, 5.3			
	(2)	Consistency with data and reporting standards described in Section 352.4. If a site is not consistent with those standards, the Plan shall explain the necessity of the site to the monitoring network, and how any variation from the standards will not affect the usefulness of the results obtained.		5.6			
	(3)	For each sustainability indicator, the quantitative values for the minimum threshold, measurable objective, and interim milestones that will be measured at each monitoring site or representative monitoring sites established pursuant to Section 354.36.		5.4, 5.3, 5.5			
(h)		The location and type of each monitoring site within the basin displayed on a map, and reported in tabular format, including information regarding the monitoring site type, frequency of measurement, and the purposes for which the monitoring site is being used.			5-1, 5-2	5-4	
(i)		The monitoring protocols developed by each Agency shall include a description of technical standards, data collection methods, and other procedures or protocols pursuant to Water Code Section 10727.2(f) for monitoring sites or other data collection facilities to ensure that the monitoring network utilizes comparable data and methodologies.		5.6			
(j)		An Agency that has demonstrated that undesirable results related to one or more sustainability indicators are not present and are not likely to occur in a basin, as described in Section 354.26, shall not be required to establish a monitoring network related to those sustainability indicators.		4.3.5, 4.3.6			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10723.2, 10727.2, 10727.4, 10728, 10733, 10733.2, and 10733.8, Water Code					
		<b>§ 354.36. Representative Monitoring</b>					
		Each Agency may designate a subset of monitoring sites as representative of conditions in the basin or an area of the basin, as follows:					
	(a)	Representative monitoring sites may be designated by the Agency as the point at which sustainability indicators are monitored, and for which quantitative values for minimum thresholds, measurable objectives, and interim milestones are defined.		4.1.1			
	(b)	(b) Groundwater elevations may be used as a proxy for monitoring other sustainability indicators if the Agency demonstrates the following:					
	(1)	Significant correlation exists between groundwater elevations and the sustainability indicators for which groundwater elevation measurements serve as a proxy.		4.3.2, 4.3.4			

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
	(2)	Measurable objectives established for groundwater elevation shall include a reasonable margin of operational flexibility taking into consideration the basin setting to avoid undesirable results for the sustainability indicators for which groundwater elevation measurements serve as a proxy.		4.5.1			
(c)		The designation of a representative monitoring site shall be supported by adequate evidence demonstrating that the site reflects general conditions in the area.		4.1.1, 5.3			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10727.2 and 10733.2, Water Code					
<b>§ 354.38. Assessment and Improvement of Monitoring Network</b>							
(a)		Each Agency shall review the monitoring network and include an evaluation in the Plan and each five-year assessment, including a determination of uncertainty and whether there are data gaps that could affect the ability of the Plan to achieve the sustainability goal for the basin.		5.3. 5.5			
(b)		Each Agency shall identify data gaps wherever the basin does not contain a sufficient number of monitoring sites, does not monitor sites at a sufficient frequency, or utilizes monitoring sites that are unreliable, including those that do not satisfy minimum standards of the monitoring network adopted by the Agency.		5.3. 5.5			
(c)		If the monitoring network contains data gaps, the Plan shall include a description of the following:					
	(1)	The location and reason for data gaps in the monitoring network.		5.3			
	(2)	Local issues and circumstances that limit or prevent monitoring.		5.3			
(d)		Each Agency shall describe steps that will be taken to fill data gaps before the next five-year assessment, including the location and purpose of newly added or installed monitoring sites.		5.5, 6.2.2			
(e)		Each Agency shall adjust the monitoring frequency and density of monitoring sites to provide an adequate level of detail about site-specific surface water and groundwater conditions and to assess the effectiveness of management actions under circumstances that include the following:					
	(1)	Minimum threshold exceedances.		5.6.1			
	(2)	Highly variable spatial or temporal conditions.		5.6.1			
	(3)	Adverse impacts to beneficial uses and users of groundwater.		5.6.1			
	(4)	The potential to adversely affect the ability of an adjacent basin to implement its Plan or impede achievement of sustainability goals in an adjacent basin.		5.6.1			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10723.2, 10727.2, 10728.2, 10733, 10733.2, and 10733.8, Water Code					
<b>§ 354.40. Reporting Monitoring Data to the Department</b>							
		Monitoring data shall be stored in the data management system developed pursuant to Section 352.6. A copy of the monitoring data shall be included in the Annual Report and submitted electronically on forms provided by the Department.					
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10728, 10728.2, 10733.2, and 10733.8, Water Code.					

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
<b>SubArticle 5. Projects and Management Actions</b>							
<b>§ 354.42. Introduction to Projects and Management Actions</b>							
		This Subarticle describes the criteria for projects and management actions to be included in a Plan to meet the sustainability goal for the basin in a manner that can be maintained over the planning and implementation horizon.					
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Section 10733.2, Water Code.					
<b>§ 354.44. Projects and Management Actions</b>							
(a)		Each Plan shall include a description of the projects and management actions the Agency has determined will achieve the sustainability goal for the basin, including projects and management actions to respond to changing conditions in the basin.		6.0			
(b)		Each Plan shall include a description of the projects and management actions that include the following:					
	(1)	A list of projects and management actions proposed in the Plan with a description of the measurable objective that is expected to benefit from the project or management action. The list shall include projects and management actions that may be utilized to meet interim milestones, the exceedance of minimum thresholds, or where undesirable results have occurred or are imminent. The Plan shall include the following:					
	(A)	A description of the circumstances under which projects or management actions shall be implemented, the criteria that would trigger implementation and termination of projects or management actions, and the process by which the Agency shall determine that conditions requiring the implementation of particular projects or management actions have occurred.		6.4			
	(B)	The process by which the Agency shall provide notice to the public and other agencies that the implementation of projects or management actions is being considered or has been implemented, including a description of the actions to be taken.		6.7			
	(2)	If overdraft conditions are identified through the analysis required by Section 354.18, the Plan shall describe projects or management actions, including a quantification of demand reduction or other methods, for the mitigation of overdraft.		6.2.2, 6.3			
	(3)	A summary of the permitting and regulatory process required for each project and management action.		6.6			
	(4)	The status of each project and management action, including a time-table for expected initiation and completion, and the accrual of expected benefits.		6.4			
	(5)	An explanation of the benefits that are expected to be realized from the project or management action, and how those benefits will be evaluated.		6.5		6-1	
	(6)	An explanation of how the project or management action will be accomplished. If the projects or management actions rely on water from outside the jurisdiction of the Agency, an explanation of the source and reliability of that water shall be included.		6.3			

Article 5. Plan Contents for Sample Basin			GSP Document References				Notes
			Page Numbers of Plan	Or Section Numbers	Or Figure Numbers	Or Table Numbers	
	(7)	A description of the legal authority required for each project and management action, and the basis for that authority within the Agency.		6.8			
	(8)	A description of the estimated cost for each project and management action and a description of how the Agency plans to meet those costs.		6.9, 7.3		7-2	
	(9)	A description of the management of groundwater extractions and recharge to ensure that chronic lowering of groundwater levels or depletion of supply during periods of drought is offset by increases in groundwater levels or storage during other periods.		6.3			
(c)		Projects and management actions shall be supported by best available information and best available science.		6.2.2			
(d)		An Agency shall take into account the level of uncertainty associated with the basin setting when developing projects or management actions.		6.2.2, 6.5			
		Note: Authority cited: Section 10733.2, Water Code.					
		Reference: Sections 10727.2, 10727.4, and 10733.2, Water Code.					

**APPENDIX 2A**

**San Luis Rey Valley Groundwater Basin  
Groundwater Sustainability Plan Public Involvement Plan**

San Luis Rey Valley Groundwater Basin  
Groundwater Sustainability Plan  
Public Involvement Plan



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## Overview

In accordance with the Sustainable Groundwater Management Act (SGMA), the Pauma Valley Groundwater Sustainability Agency (GSA) is developing a Groundwater Sustainability Plan (GSP) for the San Luis Rey Valley Groundwater Basin (Basin). SGMA requires that GSAs in high- and medium-priority basins develop and implement GSPs to act as detailed road maps for how groundwater basins will reach long-term sustainability. As a medium-priority basin, the San Luis Rey Valley Groundwater Basin is subject to this rule and will require a GSP be developed by January 2022.

An important element of developing the GSP will be implementing effective and robust engagement for all beneficial uses and users of groundwater in the Basin to consider their varied interests and increase the chance of using the best available information and science for the GSP. This Plan will outline the approach and methods by which the project team will engage stakeholders during the development of the GSP. The Plan is a “living” document that should be reviewed and updated throughout the project to ensure current circumstances are considered as outreach and engagement progresses through the GSP development process.

## Public Involvement Objectives

The following communication objectives define the purpose of public involvement during development of the GSP.

- Raise awareness and inform stakeholders about:
  - The need for and purpose of the GSP
  - Project schedule and milestones
  - Opportunities for public participation and input
- Seek feedback on elements of the GSP and incorporate feedback as appropriate to develop a sound GSP
- Clearly convey geological happenings in the Basin and reach agreement among stakeholders about the data
- Communicate openly and early on with people who must submit data for the GSP
- Anticipate and address concerns within the community about the GSP and possible resulting regulations
- Build legitimacy and trust in the GSA
- Adhere to [SGMA guidelines for public engagement](#).

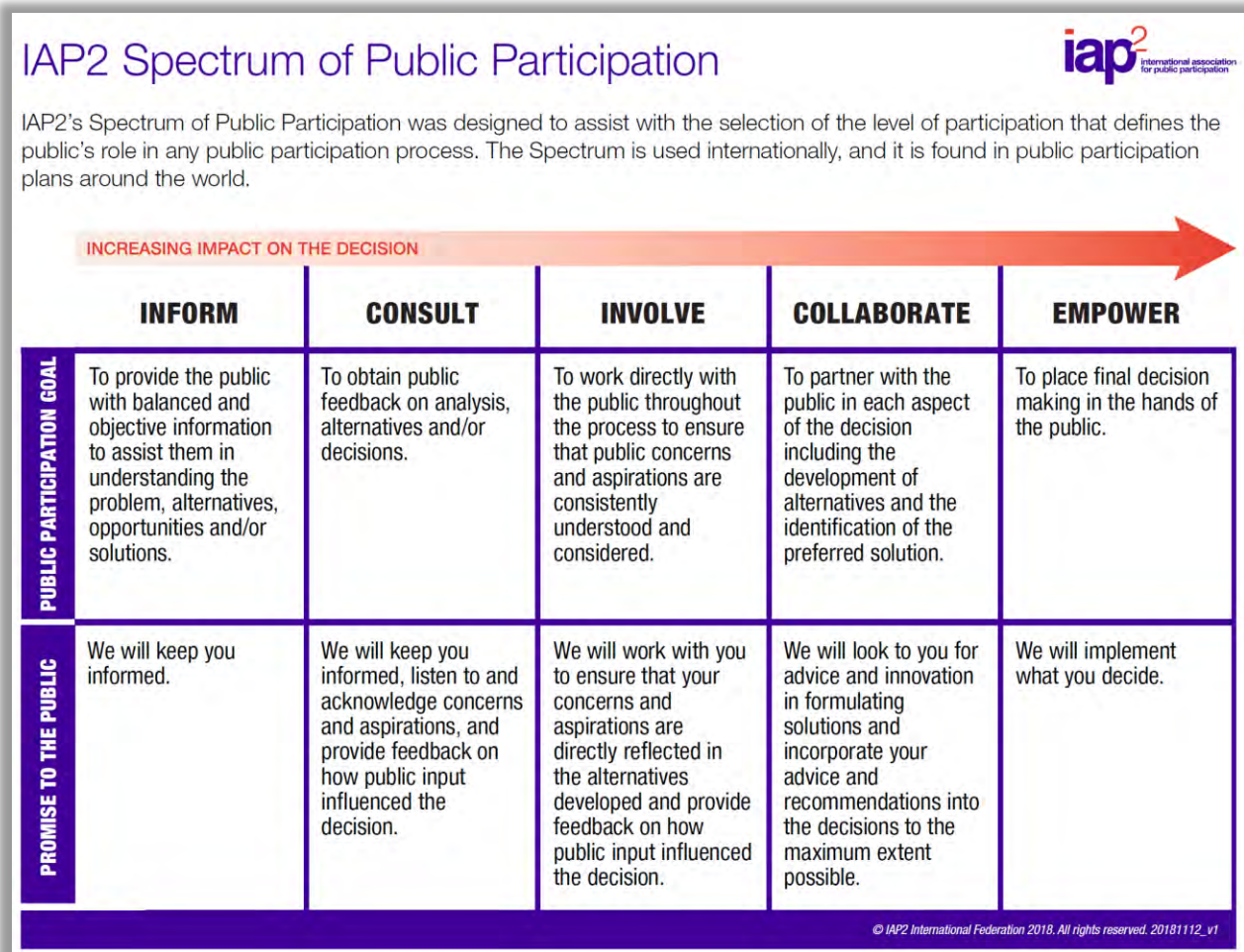
## Key Stakeholders and Level of Involvement

Under the requirements of SGMA, GSAs must consider interests of all beneficial uses and users of Groundwater when developing a GSP. As a result, the GSP development needs to consider effects to other stakeholder groups in or around the groundwater basin with overlapping interests. These interests include, but are not limited to, holders of overlying groundwater rights (including agriculture users and

domestic well owners), public water systems, local land use planning agencies, environmental users, surface water users, federal government, California Native American tribes, and disadvantaged communities.

Using the following tool as a foundation for identifying stakeholders and their appropriate level of involvement, the Spectrum of Public Participation (see figure below) developed by the [International Association for Public Participation \(IAP2\)](#) clarifies the role of the public in planning and decision-making. The Spectrum identifies five levels of public participation: Inform, Consult, Involve, Collaborate, and Empower. The farther to the right on the Spectrum, the more impact or influence the public has on the decision. Individual stakeholder groups can be at different levels on the Spectrum and can migrate amongst levels at different phases of the project. Each level on the Spectrum includes a public participation goal and the underlying promise to the public.

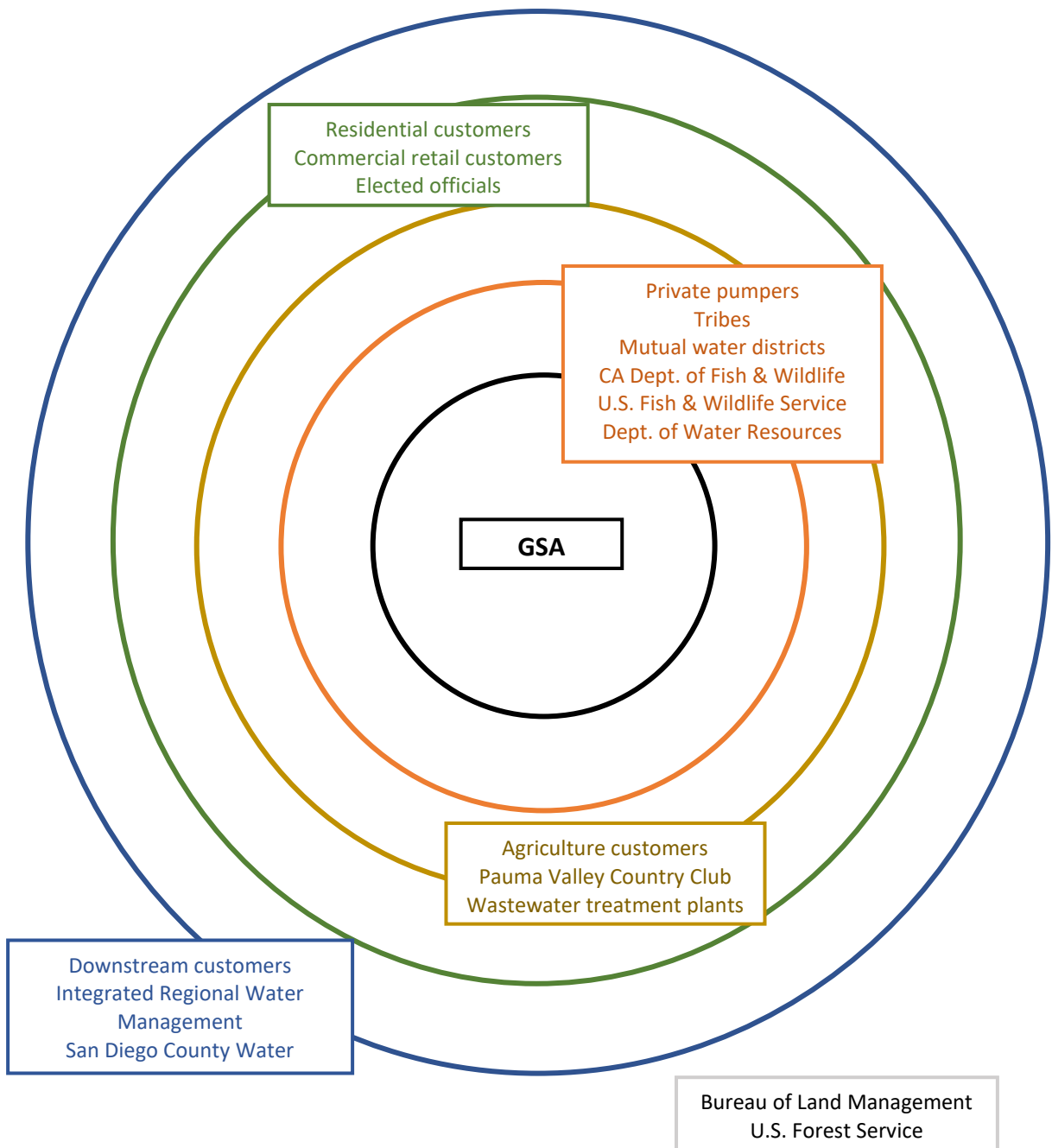
Figure 1: Levels of Participation



Subject to the GSA's approval as to what extent public and stakeholder input will be solicited and used in the development of the GSP, this plan assumes that the general public will be at the Consult level and

the GSA's work with stakeholders such as private pumpers and regulatory agencies, would be at the Involve or Collaborate level of the Spectrum. It is important, however, that stakeholders at all levels within the Basin are engaged.

The following graphic illustrates examples of some of the key stakeholders identified for this project. In the center is the GSA, the decision-making body. As the rings move outward, the stakeholders have less impact on the decision-making process, from the Involve level to the Inform level. None of the stakeholders are at the Collaborate or Empower level for this project.



## Project Timeline

Public involvement will be split into the following three phases:

- *Phase 1: Introductory (October-November 2020)*

Objectives for this phase include to:

- Raise awareness and inform all stakeholders within the Basin about the GSP’s development, purpose, schedule and milestones
- Educate and drive stakeholders towards opportunities for public participation
- Empower stakeholders to decide whether to become involved
- Establish the GSA as a trusted and representative source of decision making

- *Phase 2: GSP Development (November 2020 – September 2021)*

Objectives for this phase include to:

- Seek incremental public review and feedback as sections of the GSP are developed
- Reinforce the public’s understanding of project milestones and opportunities for public input
- Communicate openly and early on with people who must submit data for the GSP

- *Phase 3: Review/Adoption Process for the Draft GSP (Starting October 2021)*

Objectives for this phase include to:

- Solicit comments on the draft GSP
- Facilitate ease of GSP approval by DWR

## Public Involvement Tactics

The following are tactics that will be implemented in the three phases of the project.

Tactic	Phase Implemented	Description
<b>Stakeholder List</b>	Developed in Phase 1; updated as needed	Establish and maintain a list of all key Basin stakeholders.
<b>Stakeholder Letter</b>	Phase 1	Distribute a stakeholder letter to all properties within the Basin using GIS and those on the stakeholder list. The letter will inform stakeholders of the project and drive them to the project webpage. The letter should also be

		translated to e-blast format and sent to email addresses on stakeholder list.
<b>Project Webpage</b>	Developed in Phase 1; updated as needed	Establish a project webpage with project information and resources, opportunities to provide feedback and information on how to contact the project team. Web page will be hosted on the GSA’s website.
<b>Project Email and Phone Number</b>	Phases 1 – 3	Maintain a project email via GSA’s existing account.
<b>Project Fact Sheet</b>	Developed in Phase 1; updated as needed	Develop a project fact sheet for use on the project webpage and at meetings.
<b>Virtual Stakeholder Meetings</b>	Phases 2 – 3	Hold stakeholder meetings starting in Phase 2 to educate stakeholders and solicit incremental feedback and review of sections of the draft GSP. Hold meetings via a virtual platform such as Zoom and incorporate interactive components as appropriate.
<b>E-Blasts</b>	Phases 1 – 3	Send via e-blast project updates and meeting announcements. E-blast service to be maintained by GSA, and email database to be updated throughout project.
<b>Presentations</b>	Phases 2 – 3	Present project information at meetings held by GSA Executive Committee organizations, which include: <ul style="list-style-type: none"> <li>• Yuima Municipal Water District</li> <li>• Pauma Valley Community Services District</li> <li>• Upper San Luis Rey Resource Conservation District</li> </ul>
<b>Key Messages</b>	Phases 2 – 3	Develop a messaging plan in Phase 1 and use it as the basis for all project communications throughout the project.

## Equitable Engagement

Seeking feedback from a broad and diverse group of stakeholders is a key objective of this plan. The following are considerations and strategies to ensure equitable engagement within the project area.

### *Varied Engagement Types*

COVID-19 safety concerns and precautions have shifted communication and engagement to primarily virtual platforms while Stay at Home orders are in place, and engagement may continue to be largely via online formats even after orders are lifted. Although online platforms provide easy access for many, digital resources pose challenges for those without access to the internet and other disadvantaged communities. As such, the following strategies will be implemented:

- Offer information through varied channels, including a project hotline or phone number and hard copies where possible. Project materials and commenting resources will be made available in hard copy to stakeholders by request.
- Adhere to ADA standards for digital resources, including but not limited to sizing, formatting, inclusion of descriptions and captions for images and videos.

### *Engaging Multicultural Communities*

The following are strategies to ensure engagement with multicultural communities within the project area:

- Include in the stakeholder list relevant multicultural organizations and communities, including tribal contacts, Spanish-speaking organizations, advocacy groups and other multicultural contacts; leverage connections with these stakeholders to notify their communities of the project and seek input from them.
- Develop key project materials in English and Spanish and provide Spanish meeting options upon request.
- Designate a Spanish-speaking project team member to handle Spanish inquiries received through project communication channels.

## Evaluation

At various points in the public involvement process, particularly after key milestones and events, the project team will assess how well the communications and community involvement methods that were implemented met the communication objectives outlined in this plan. This evaluation will allow the project team to redirect resources, update strategies, or introduce new tactics as needed to ensure a successful outcome for community involvement.

Metrics to evaluate the effectiveness of the public engagement include:

- Feedback received from key stakeholders
- Level of preparedness of spokespersons
- Identification of anticipated questions and responses to these questions
- Level of community participation in opportunities for input and attendance at events
  - Number of and types of comments received
  - Number of and types of comments received
- Number of community events and notification/outreach activities
- Quantity and quality of balanced media coverage
- Project website view metrics gathered and tracked

Questions to consider for evaluation of the community involvement process may include:

- Were public involvement and communication objectives met?
- Were stakeholders properly identified?
  - If not, which stakeholders were missing?
  - Have they now been identified?
- Were stakeholders properly reached?
  - If not, is there another communication method that may work better?
  - Were any communication methods not successful in reaching the intended audience?
  - How many people attended the meetings, and how many people commented?
- Did attendees leave the meetings feeling their concerns and questions were addressed?
- Did informational materials provide the general information sought by attendees?
- Was project information presented in an understandable way?
- Did the meeting format meet the needs of the community and allow for successful interaction?
- Did attendees understand the commenting opportunities?
- Did attendees understand how to make an informed, substantive comment that would be helpful in development of the GSP?
- Were stakeholders generally satisfied with the community involvement process?

Additionally, the project team may consider administering surveys at events or obtaining informal feedback from stakeholders to evaluate the public involvement process.



**APPENDIX 2B**

**Administrative Draft GSP**

**Written Comment and Response Matrix and Supporting Exhibits**

Administrative Draft GSP Written Comment and Response Matrix

Document	Commenter	Date Submitted	Comment Number	Comment	Response	
1	The Nature Conservancy / Audubon / Local Government Commission / Union of Concerned Scientists / Clean Water Action	17-Dec-21	1	<p>1. Consideration of Beneficial Uses and Users in GSP development</p> <p>Consideration of beneficial uses and users in GSP development is contingent upon adequate identification and engagement of the appropriate stakeholders. The (A) identification, (B) engagement, and (C) consideration of disadvantaged communities, drinking water users, tribes, groundwater dependent ecosystems, streams, wetlands, and freshwater species are essential for ensuring the GSP integrates existing state policies on the Human Right to Water and the Public Trust Doctrine.</p> <p>A. Identification of Key Beneficial Uses and Users</p> <p>Disadvantaged Communities, Drinking Water Users, and Tribes</p> <p>The identification of Disadvantaged Communities (DACs), drinking water users, and tribes is insufficient. We note the following deficiencies with the identification of these key beneficial users:</p> <ul style="list-style-type: none"> <li>● The GSP fails to identify and map the locations of DACs and describe the size of each DAC population within the subbasin.</li> </ul>	Comment noted. Response to specific recommendations provided below (Responses to Comments 5 through 7).	
			2	<ul style="list-style-type: none"> <li>● The GSP identifies the San Luis Rey Tribe as a stakeholder within the subbasin, but does not provide a map of the tribal lands or tribal interests.</li> </ul>		
			3	<ul style="list-style-type: none"> <li>● The GSP fails to provide a map of domestic well density in the subbasin. The GSP should include a map of domestic well locations or density, and provide the depth of these wells (such as minimum well depth, average well depth, or depth range) within the subbasin. This information is necessary to understand the distribution of shallow and vulnerable drinking water wells within the subbasin.</li> </ul>		
			4	<ul style="list-style-type: none"> <li>● The GSP fails to identify the population dependent on groundwater as their source of drinking water in the subbasin. Specifics are not provided on how much each DAC community relies on a particular water supply (e.g., what percentage is supplied by groundwater). These missing elements are required for the GSA to fully understand the specific interests and water demands of these beneficial users, and to support the consideration of beneficial users in the development of sustainable management criteria and selection of projects and management actions.</li> </ul>		
			5	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>● Describe and map the locations of DACs and provide the population of each DAC. The DWR DAC mapping tool can be used for this purpose. Identify the 2 sources of drinking water for DAC members, including an estimate of how many people rely on groundwater (e.g., domestic wells, state small water systems, and public water systems).</li> </ul>		Figure 2-6 was added showing location of SDAC in basin area, per DWR DAC mapping tool. Additional discussion/description was added to Section 2.1.1.
			6	<ul style="list-style-type: none"> <li>● Provide a map of tribal lands and describe tribal interests in the subbasin.</li> </ul>		The tribal lands are shown in multiple figures in the GSP, particularly on Figure 2-4. They are indicated by "LAR" per Bureau of Indian Affairs mapping. Specific reference was added in the text in Section 2.1.
			7	<ul style="list-style-type: none"> <li>● Provide a domestic well density map and include average well depth across the subbasin.</li> </ul>		A well density map is provided as Figure 2-7. Average well depth across the basin was discussed based on information from DWR. Well location and understanding of general well characteristics (including depth) will be improved through well inventory after implementation of the GSP.
			8	<p>Interconnected Surface Waters</p> <p>The identification of Interconnected Surface Waters (ISWs) is insufficient, due to lack of supporting information provided for the ISW analysis. The GSP combines the ISW analysis and GDE analysis into one section of the GSP (Section 3.3.4.4 Interconnected Surface Water Systems and Groundwater Dependent Ecosystems), and provides no analysis for ISWs. The only statement the GSP makes regarding ISW is the following (p. 3-21): "Given the depth to groundwater in much of the basin, percolation from streamflow is thought to be largely in free fall conditions; that is, the streams are not in direct hydraulic connection with the underlying water table and aquifer system so that surface recharge must percolate through the unsaturated zone before becoming accessible to groundwater pumping." The GSP does not provide depth-to-water data, however, except to present a shaded area representing depth to water of less than or equal to 20 feet on Figure 3-23 (Areas of Potentially Groundwater Dependent Vegetation where Depth to Water Less than or Equal to 20 Feet).</p> <p>We note it is common practice to utilize a threshold of 50 feet below groundwater surface to indicate a disconnected stream reach. Refer to our other recommendations below to provide a complete analysis of ISWs in the subbasin.</p>		Comment noted. Response to specific recommendations provided below (Responses to Comments 9 through 13).

Administrative Draft GSP Written Comment and Response Matrix

Document	Commenter	Date Submitted	Comment Number	Comment	Response
			9	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>● Use a screening depth of 50 feet to determine which stream reaches in the subbasin are potentially interconnected with groundwater.</li> </ul>	<p>A new figure (Figure 3-22) was created for the Interconnected Surface Water System section (which was separated from the GDE section) showing stream reaches and potentially interconnected surface waters. Since streamflow and refinement of groundwater elevations are identified in the data gap section, understanding of interconnectivity with surface water throughout the basin will continue to be refined through future data collection efforts. Additional discussion was added to this effect in Section 3.3.4.4. Note that GSPs are not required to address undesirable results that occurred before, but were not corrected by, January 1, 2015. (Water Code, Section 10727.2(b)(4).)</p>
			10	<ul style="list-style-type: none"> <li>● Provide a map of streams in the subbasin. Clearly label reaches as interconnected (gaining/losing) or disconnected. Consider any segments with data gaps as potential ISWs and clearly mark them as such on maps provided in the GSP.</li> </ul>	<p>A map of streams was provided as Figure 3-22. Not enough information is available to determine gaining/losing reaches. Therefore, stream reaches in the vicinity of shallow groundwater will be retained as potentially interconnected surface waters until additional data can be collected to improve understanding. Additional discussion was added in Section 3.3.4.4.</p>
			11	<ul style="list-style-type: none"> <li>● Use seasonal data over multiple water year types to capture the variability in environmental conditions inherent in California's climate, when mapping ISWs. We recommend the 10-year pre-SGMA baseline period of 2005 to 2015.</li> </ul>	<p>As mentioned in the responses to Comments 9 and 10, data resolution in the USLR Groundwater Subbasin is poor - particularly relating to streamflow. Additional data coverage, both spatially and temporally, is needed to understand locations of ISW. Therefore, areas shown on Figure 3-22 will be retained as potentially interconnected areas until additional information indicates otherwise. However, evaluation of available hydrographs near the San Luis Rey River generally indicate seasonal fluctuations on the order of 20 to 30 ft.</p>
			12	<ul style="list-style-type: none"> <li>● Overlay the subbasin's stream reaches on depth-to-groundwater contour maps to illustrate groundwater depths and the groundwater gradient near the stream reaches. Show the location of groundwater wells used in the analysis.</li> </ul>	<p>See responses to Comments 9 through 11 above.</p>
			13	<ul style="list-style-type: none"> <li>● For the depth-to-groundwater contour maps, use the best practices presented in Attachment D. Specifically, ensure that the first step is contouring groundwater elevations, and then subtracting this layer from land surface elevations from a Digital Elevation Model (DEM) to estimate depth-to-groundwater contours across the landscape. This will provide accurate contours of depth to groundwater along streams and other land surface depressions where GDEs are commonly found.</li> </ul>	<p>Comment noted. Best practices were followed for creation of depth to groundwater figure (Figure 3-13). However, water level control should be noted - there is very little resolution around the edges of the basin and in Pala Subbasin.</p>
			14	<p>Groundwater Dependent Ecosystems</p> <p>The identification of Groundwater Dependent Ecosystems (GDEs) is insufficient. The GSP took initial steps to identify and map GDEs using National Wetlands Inventory (NWI) mapping and San Diego Association of Governments (SANDAG) regional vegetation mapping. The GSP uses modeled depth-to-groundwater data from the period 1991 to 2020 to characterize areas where the depth to groundwater was less than 20 feet. The GSP could be improved by including a summary of the model well data in the main GSP text, including the locations of wells and screening depths of wells, to ensure that the wells are monitoring the shallow principal aquifer. Furthermore, it is common practice to utilize a threshold of 30 feet below groundwater surface to indicate areas where potential GDEs are accessing groundwater.</p> <p>The GSP states (p. 3-21): "Figure 3-23 shows vegetation areas located within areas estimated by the groundwater model (see Section 3.3.5.1) to have groundwater within 20 ft of land surface. This depth is considered to be the typical extinction depth for most deep-rooted riparian vegetation; most roots of riparian vegetation would not be able to access groundwater resources if groundwater levels were deeper than this threshold. However, as noted previously, these areas (and their groundwater dependency) need to be evaluated by field investigation and through the collection of additional data." We recommend that the GSP clarify whether these GDEs are retained as potential GDEs in the GSP.</p>	<p>Comment noted. Response to specific recommendations provided below (Comments 15 through 18).</p>

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			15	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>Retain vegetation polygons with depth to groundwater of 30 feet or less as "Potential GDEs" unless data indicate otherwise.</li> </ul>	<p>20 ft below ground surface was chosen as representative extinction depth for most deep rooted riparian vegetation based on guidance from a USGS modeling technique paper (Maddock et al., 2012), which is applicable for the southwest. The 20-ft area was retained, but additional area showing 30 ft to groundwater was added to Figure 3-25 and discussion in Section 3.3.4.5. Area will remain considered to be potentially dependent on groundwater until additional investigation or data indicate otherwise.</p>
			16	<ul style="list-style-type: none"> <li>Provide depth-to-groundwater contour maps, noting the best practices presented in Attachment D. Specifically, ensure that the first step is contouring groundwater elevations, and then subtracting this layer from land surface elevations from a DEM to estimate depth-to-groundwater contours across the landscape. Show the location of wells used in the analysis on the depth-to-groundwater contour map. Discuss screening depths of the wells in the GSP text.</li> </ul>	<p>Depth to groundwater contour map was created as Figure 3-13 using best practices (see response to Comment 13). There are insufficient data to make a meaningful discussion of screened areas in wells.</p>
			17	<ul style="list-style-type: none"> <li>If insufficient data are available to describe groundwater conditions within or near vegetation polygons, include those polygons as "Potential GDEs" in the GSP until data gaps are reconciled in the monitoring network.</li> </ul>	<p>The GSP text already refers to these polygon areas as potential GDEs. This language will be retained until data gaps are reconciled.</p>
			18	<ul style="list-style-type: none"> <li>Provide a complete inventory, map, or description of fauna (e.g., birds, fish, amphibian) and flora (e.g., plants) species in the subbasin and note any threatened or endangered species (see Attachment C in this letter for a list of freshwater species located in the Upper San Luis Rey Valley Subbasin).</li> </ul>	<p>Additional description was added to the GDE section (Section 3.3.4.5) based on suggestions from the Nature Conservancy and others as well as CDFW (see CDFW Comment 1).</p>
			19	<p>Native Vegetation and Managed Wetlands</p> <p>Native vegetation and managed wetlands are water use sectors that are required to be included in the water budget. , The integration of native vegetation into the water budget is insufficient.</p> <p>The water budget did not include the current, historical, and projected demands of native vegetation. The omission of explicit water demands for native vegetation is problematic because key environmental uses of groundwater are not being accounted for as water supply decisions are made using this budget, nor will they likely be considered in project and management actions.</p> <p>Managed wetlands are not mentioned in the GSP, so it is not known whether or not they are present in the subbasin.</p>	<p>Comment noted. Response to specific recommendations provided below (Comments 20 and 21).</p>
			20	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>Quantify and present all water use sector demands in the historical, current, and projected water budgets with individual line items for each water use sector, including native vegetation.</li> </ul>	<p>Interception of precipitation by native vegetation is accounted for in the surface water model before it even reaches the groundwater system. Additional ET is also accounted for in the groundwater model, shown by the ET term in the groundwater budget. Therefore, the projected water budgets already account for the uptake of percolating precipitation by native vegetation. Additional clarification was added to Section 3.3.5.3.3.</p>
			21	<ul style="list-style-type: none"> <li>State whether or not there are managed wetlands in the subbasin. If there are, ensure that their groundwater demands are included as separate line items in the historical, current, and projected water budgets.</li> </ul>	<p>We are unaware of any managed wetlands in the area. However, wetland areas and areas with riparian vegetation are included in the groundwater budgets. Their groundwater use is represented by the ET term.</p>

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			22	<p>B. Engaging Stakeholders Stakeholder Engagement During GSP Development Stakeholder engagement during GSP development is insufficient. SGMA's requirement for public notice and engagement of stakeholders is not fully met by the description in the Public Involvement Plan. The GSP documents direct outreach to the San Luis Rey Indian Water Authority as well as tribal representatives, and notes that GSA will convene a Tribal Work Group to encourage tribal participation. However, we note the following deficiencies with the overall stakeholder engagement process:</p> <ul style="list-style-type: none"> <li>● The GSP documents plans for public involvement and engagement in very general terms.</li> </ul> <p>Plans for public notice and engagement activities include information dissemination through a project hotline and hard copies, engaging multicultural communities through relevant organizations and communities in the stakeholder list, and developing key project materials in English and Spanish to ensure information access. The GSP does not state whether there was direct engagement with DACs or environmental stakeholders, nor does it clearly identify the names of organizations or representatives for either group of beneficial users.</p>	<p>Pages 5-7 of the Public Involvement Plan (Appendix 2A) specifically details the actions undertaken by PVGSA to all stakeholders during the development of the GSP. These actions included, but were not limited to the following:</p> <ol style="list-style-type: none"> <li>1. Multiple mailings to every registered parcel owner in the subsubbasin. These mailings were conducted on December 4, 2020 and January 5, 2021. The mailings included documentation in both English and Spanish on the background of the Sustainable Groundwater Management Act, the desire of the GSA to include meaningful participation in the development of the GSP, the website where stakeholders could find information about the participating and receiving communication regarding the development of the GSP, as well as continued correspondence in relation to the development.</li> <li>2. Multiple email blasts to the original interested parties list developed by the County of San Diego during the Development of the GSA process including the documentation sent out on December 4, 2020, and January 5, 2021.</li> <li>3. Multiple email blasts to Yuima Municipal Water District Customers including the documentation sent out on December 4, 2020, and January 5, 2021.</li> <li>4. A list of interested parties for inclusion in the development process of the GSP was developed from actual requests made by the public in response to the December 2020 and January 2021 outreach. Stakeholders on this list were contacted to advise of stakeholder outreach meetings, request participation in data collection and provide draft content being discussed at the meeting, as well as a link for the stakeholder to participate electronically (Zoom). These outreach meetings were held on the following dates: January 27, 2021; March 24, 2021; June 16, 2021; October 6, 2021; November 15, 2021; December 8, 2021</li> <li>5. It should be noted that there are two mutual water companies and three municipal water districts whose service areas are located within the DACs area. Individual property owners and / or Board members from each of these agencies also serve on the GSA Executive Team in the capacity of a representative from one of the GSA member agencies. Additionally, not only do the representatives of these agencies serve on the Executive Team, they also live within the DAC area; providing a substantial representation of the DAC actually participating in the decision-making process. Finally, included in the GSP development and decision-making process as a member of the Executive Team is the Upper San Luis Rey Resource Conservation District (RCD). The RCD, which is the local environmental stakeholder, has two representatives on the Executive Team.</li> <li>6. The Public Involvement Plan only encompassed the activities and timeline for the GSP development phase; public involvement for the implementation phase of the GSP was included in the Project and Management actions of the GSP.</li> <li>7. The public also had the ability to review the draft GSP before submittal to the State. Comments received were responded to in this appendix.</li> </ol> <p>Additional clarification of these opportunities for input was added to the GSP in Section 2.5.</p>
			23	<ul style="list-style-type: none"> <li>● The plan does not include documentation on how stakeholder input from the above-mentioned outreach and engagement was solicited, considered and incorporated into the GSP development process.</li> </ul>	
			24	<ul style="list-style-type: none"> <li>● The GSP does not include a detailed plan for continual opportunities for engagement through the implementation phase of the GSP that is specifically directed to DACs, domestic well owners, and environmental stakeholders within the subbasin.</li> </ul>	
			25	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>● In the Public Involvement Plan, describe active and targeted outreach to engage DACs, drinking water users, and environmental stakeholders throughout the GSP development and implementation phases. Refer to Attachment B for specific recommendations on how to actively engage stakeholders during all phases of the GSP process.</li> </ul>	

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			26	<ul style="list-style-type: none"> <li>Provide documentation on how stakeholder input was incorporated into the GSP development process.</li> </ul>	
			27	<ul style="list-style-type: none"> <li>Provide documentation on how tribal concerns were considered during the GSP development process after initial outreach.</li> </ul>	<p>During the GSP development process the tribal interests of the subbasin were not only included in each stakeholder outreach correspondence, the tribal interests were specifically invited to participate in every GSA Executive Team meeting. The tribal interests in the basin (through the San Luis Rey Indian Water Authority) were invited multiple times to be a member of the GSA. Evidence of these invitations and communications with tribal interests are contained in a letter sent to DWR on December 23, 2021, and included herein as Sub-Exhibit D. All invitations to participate as a GSA member and to participate in the Executive Team meetings were either ignored or declined. Additionally, in an effort to engage tribal participation in the development of the GSP, Yuima Municipal Water District enlisted the assistance of the DWR's Facilitation Services to arrange a meeting with the tribes; to which the tribes declined to participate. This request and interaction is also detailed in Sub-Exhibit D.</p> <p>Section 6.3.1 of the GSP contains information on how the GSA intends to keep stakeholders involved during the implementation process. The GSA intends to convene an interactive tribal work group with a representative from each of the tribal nations located within the basin, as well as the Indian Water Authority. The GSA will also conduct additional data collection process that will include continued outreach to all well owners in the subbasin. When the GSA begins to implement the GSP, the authority to require all well data be reported to the GSA (information that was previously only voluntarily provided) to aide in the data collection process.</p>
			28	<ul style="list-style-type: none"> <li>Utilize DWR's tribal engagement guidance to comprehensively identify, involve, and address all tribes and tribal interests that may be present in the subbasin</li> </ul>	
			29	<p>C. Considering Beneficial Uses and Users When Establishing Sustainable Management Criteria and Analyzing Impacts on Beneficial Uses and Users</p> <p>The consideration of beneficial uses and users when establishing sustainable management criteria (SMC) is insufficient. The consideration of potential impacts on all beneficial users of groundwater in the basin are required when defining undesirable results and establishing minimum thresholds.</p> <p>Disadvantaged Communities and Drinking Water Users</p> <p>For chronic lowering of groundwater levels, the plan states (p. 4-10): "The MTs are lower than historical lowest groundwater levels and are based upon the minimum level that would continue to allow production from each well." The GSP also states (p. 4-6): "It is acknowledged that current sustainability criteria may not be protective of all domestic wells in the basin for which information is largely unavailable. Therefore, additional data will need to be collected following implementation of the GSP to understand where these wells are located, how they operate, and what historical conditions have been in order to determine how beneficial use at these locations can be protected. At the five-year review period, it may be necessary to adjust sustainability management criteria for water levels to accommodate new information about domestic wells and water use." Therefore, the GSP does not sufficiently describe whether minimum thresholds will avoid significant and unreasonable loss of drinking water to domestic well users, especially given the absence of a domestic well mitigation plan in the GSP. In addition, the GSP does not sufficiently describe or analyze direct or indirect impacts on DACs, drinking water users, or tribes when defining undesirable results, nor does it describe how the groundwater level minimum thresholds are consistent with Human Right to Water policy and will avoid significant and unreasonable impacts on these beneficial users.</p>	<p>Comment noted. Response to specific recommendations provided below (Comments 31 through 35).</p>

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			30	For degraded water quality, identified constituents of concern (COCs) in the subbasin are total dissolved solids (TDS) and nitrate. Minimum thresholds for these constituents are set at basin water quality objectives of 800 mg/L for TDS and 45.0 mg/L for Nitrate-NO3. However, according to the state’s anti-degradation policy, high water quality should be protected and is only allowed to worsen to the maximum contaminant level (MCL) if a finding is made that it is in the best interest of the people of the State of California. No analysis has been done and no such finding has been made. Furthermore, the plan sets measurable objectives for TDS at current ambient concentrations (assumed to be 607 mg/L, the median of available basin wide concentrations).The value of 607 mg/L is above the recommended MCL for TDS and not protective of drinking water users. The GSP only includes a very general discussion of impacts on drinking water users when defining undesirable results and evaluating the impacts of proposed minimum thresholds for degraded water quality. The GSP does not, however, mention or discuss direct and indirect impacts on DACs, drinking water users, or tribes when defining undesirable results for degraded water quality, nor does it evaluate the cumulative or indirect impacts of proposed minimum thresholds on these stakeholders.	Comment noted. Response to specific recommendations provided below (Comments 31 through 35).
			31	RECOMMENDATIONS Chronic Lowering of Groundwater Levels ● Describe direct and indirect impacts on drinking water users, DACs, and tribes when describing undesirable results and defining minimum thresholds for chronic lowering of groundwater levels. Include information on the impacts during prolonged periods of below average water years.	MOs were designed to be protective of drought conditions. They conservatively assume 3 years of groundwater storage (based on current water demands) with zero recharge or supplemental water use (see Section 4.5.1). The PVGSA intends to add RMSs and revise SMCs, as needed following additional data collection, to be protective of domestic users, including DACs and tribes.
			32	● Consider and evaluate the impacts of selected minimum thresholds and measurable objectives on drinking water users, DACs, and tribes within the subbasin. Further describe the impact of passing the minimum threshold for these users. For example, provide the number of domestic wells that would be fully or partially de-watered at the minimum threshold.	There is currently not enough information to quantify effects at all wells in the basin - particularly shallow domestic wells and wells on reservation land. This data gap is discussed in the data gap section. Basin understanding and SMCs for water level will be revised as additional information becomes available - particularly with the implementation of a well inventory and metering program. As reflected in the Projects and Management Actions chapter of the GSP (Section 6.3.1), the GSA intends to focus on addressing data gaps early on in the GSP implementation process.
			33	Degraded Water Quality ● Describe direct and indirect impacts on drinking water users, DACs, and tribes when defining undesirable results for degraded water quality. For specific guidance on how to consider these users, refer to “Guide to Protecting Water Quality Under the Sustainable Groundwater Management Act.”	As described in Section 4.1.1, additional RMSs need to be added to assess SMCs at shallow, domestic wells and wells in data gap areas (including reservation lands). The water quality monitoring program/network will also be revised as needed to provide adequate monitoring in these locations to protect against undesirable results. Clarification was added to Section 4.3.3.
			34	● Set minimum thresholds and measurable objectives that are protective of drinking water users.	See responses above - SMCs will be subject to review and revision as additional information from domestic well users and wells in data gap areas is collected.
			35	● Evaluate the cumulative or indirect impacts of proposed minimum thresholds for degraded water quality on drinking water users, DACs, and tribes.	Using Basin Objectives is consistent with long-term water quality management in groundwater basins across the state. However, as discussed in Section 4.3.3, additional water quality data and well information (e.g., screened intervals) are needed to evaluate water quality and potential impacts.
			36	Groundwater Dependent Ecosystems and Interconnected Surface Waters Sustainable management criteria for chronic lowering of groundwater levels provided in the GSP do not consider potential impacts to environmental beneficial users. Since GDEs are present in the subbasin, they must be considered when developing SMC for chronic lowering of groundwater levels. The GSP neither describes nor analyzes direct or indirect impacts on environmental users of groundwater when defining undesirable results. This is problematic because without identifying potential impacts on GDEs, minimum thresholds may compromise, or even destroy, these environmental beneficial users. Sustainable management criteria for depletion of interconnected surface water are established by proxy using groundwater levels. Minimum thresholds are defined as groundwater levels falling below the lowest groundwater level since 2015 in the areas identified to have vegetation that is potentially groundwater dependent. However, if minimum thresholds are set to drought-level low groundwater levels and the subbasin is allowed to operate at or close to those levels over many years, there is a risk of causing catastrophic damage to ecosystems that are more adverse than what was occurring at the height of the 2012-2016 drought. This is because California ecosystems, which are adapted to our Mediterranean climate, have some drought strategies that they can utilize to deal with short-term water stress. However, if the drought conditions are prolonged, the ecosystem can collapse. No analysis or discussion is presented to describe how the SMC will affect beneficial users, and more specifically GDEs, or the impact of these minimum thresholds on GDEs in the subbasin. Furthermore, the GSP makes no attempt to evaluate how the proposed minimum thresholds and measurable objectives avoid significant and unreasonable effects on surface water beneficial users in the subbasin (see Attachment C for a list of environmental users in the subbasin), such as increased mortality and inability to perform key life processes (e.g., reproduction, migration).	Comment noted. Response to specific recommendations provided below (Comments 37 through 39).

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			37	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>When establishing SMC for the subbasin, consider that the SGMA statute [Water Code §10727.4(l)] specifically calls out that GSPs shall include “impacts on groundwater dependent ecosystems.”</li> </ul>	Groundwater dependency of areas outlined as potential GDEs must first be verified through field investigation and additional data collection. RMSs and SMCs will then be revised as necessary. SMCs for potential GDEs and ISWs will use groundwater elevations as a proxy. While these data re being collected, any GDEs are expected to benefit from the management of the subbasin described in the GSP.
			38	<ul style="list-style-type: none"> <li>When defining undesirable results for chronic lowering of groundwater levels, provide specifics on what biological responses (e.g., extent of habitat, growth, recruitment rates) would best characterize a significant and unreasonable impact to GDEs. Undesirable results to environmental users occur when ‘significant and unreasonable’ effects on beneficial users are caused by one of the sustainability indicators (i.e., chronic lowering of groundwater levels, degraded water quality, or depletion of interconnected surface water). Thus, potential impacts on environmental beneficial uses and users need to be considered when defining undesirable results in the subbasin. Defining undesirable results is the crucial first step before the minimum thresholds can be determined.</li> </ul>	Undesirable results are defined as water levels falling below lowest groundwater elevation since 2015 near GDEs (please note: groundwater dependency of vegetation areas have not been verified yet - additional data collection is necessary). By managing water levels in this way, no additional impacts are anticipated to occur. However, additional data collection and analysis is needed in these data gap areas and SMCs may need to be revised.
			39	<ul style="list-style-type: none"> <li>When defining undesirable results for depletion of interconnected surface water, include a description of potential impacts on instream habitats within ISWs when minimum thresholds in the subbasin are reached. The GSP should confirm that minimum thresholds for ISWs avoid adverse impacts on environmental beneficial users of interconnected surface waters as these environmental users could be left unprotected by the GSP. These recommendations apply especially to environmental beneficial users that are already protected under pre-existing state or federal law.</li> </ul>	See response to Comment 38 above.
			40	<p>2. Climate Change</p> <p>The SGMA statute identifies climate change as a significant threat to groundwater resources and one that must be examined and incorporated in the GSPs. The GSP Regulations require integration of climate change into the projected water budget to ensure that projects and management actions sufficiently account for the range of potential climate futures. The effects of climate change will intensify the impacts of water stress on GDEs, making available shallow groundwater resources especially critical to their survival. Condon et al. (2020) shows that GDEs are more likely to succumb to water stress and rely more on groundwater during times of drought. When shallow groundwater is unavailable, riparian forests can die off and key life processes (e.g., migration and spawning) for aquatic organisms, such as steelhead, can be impeded.</p> <p>The integration of climate change into the projected water budget is insufficient. The GSP would benefit from clearly and transparently incorporating climate change into the projected water budget. Additionally, the plan does not appear to consider multiple climate scenarios (e.g., the 2070 extremely wet and extremely dry climate scenarios) in the projected water budget. The GSP would benefit from clearly and transparently incorporating appropriate extreme scenarios for the subbasin. While these extreme scenarios may have a lower likelihood of occurring and their consideration is not required (only suggested) by DWR, their consequences could be significant and their inclusion can help identify important vulnerabilities in the subbasin’s approach to groundwater management.</p> <p>The GSP could be improved by integrating climate change projections into key inputs (e.g., precipitation, evapotranspiration, and surface water flows) of the projected water budget. Furthermore, the sustainable yield appears to be calculated based on the historic water budget instead of a projected water budget that incorporates climate change projections. If the water budgets are incomplete, including the omission of climate change effects on the projected water budget, omission of extremely wet and dry scenarios, and omission of climate change projections in the sustainable yield calculations, then there is increased uncertainty in virtually every subsequent calculation used to plan for projects, derive measurable objectives, and set minimum thresholds. Plans that do not adequately include climate change projections may underestimate future impacts on vulnerable beneficial users of groundwater such as DACs, ecosystems, tribes, and domestic well owners.</p>	Comment noted. Response to specific recommendations provided below (Comments 41 through 43).
			41	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>Integrate climate change, including extreme climate scenarios, into all elements of the projected water budget to form the basis for development of sustainable management criteria and projects and management actions.</li> </ul>	Additional analysis was conducted using predicted changes in precipitation and ET under future climate change conditions for 2030 and 2070, per DWR climate change guidance, to evaluate potential impact on future water budget and sustainable yield. However, it is important to note that future conditions (both climate and water use) are speculative. Collecting data and tracking trends is the most reliable and efficient way of assessing physical conditions in the basin. SGMA wisely uses 5-year increments to collect and validate data to assess trends and allow the GSA to respond to changing conditions in order to sustainably manage the basin. Each 5 year period provides an opportunity to reevaluate basin conditions, revise SMCs, and implement management actions as necessary. Additional modeling is anticipated to be conducted prior to initiating larger management actions (e.g., stormwater capture, in-lieu recharge, etc.) and will include a climate change scenario to assess impacts and cost/benefit analysis.
			42	<ul style="list-style-type: none"> <li>Calculate sustainable yield based on the projected water budget with climate change incorporated.</li> </ul>	See response to Comment 41 above.



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			43	<ul style="list-style-type: none"> <li>Incorporate climate change scenarios into projects and management actions.</li> </ul>	See response to Comment 41 above.
			44	<p>3. Data Gaps</p> <p>The consideration of beneficial users when establishing monitoring networks is insufficient, due to lack of specific plans to increase the Representative Monitoring Sites (RMSs) in the monitoring network that represent water quality conditions and shallow groundwater elevations around DACs, domestic wells, tribes, GDEs, and ISWs in the subbasin. These beneficial users may remain unprotected by the GSP without adequate monitoring and identification of data gaps in the shallow Aquifer. The Plan therefore fails to meet SGMA's requirements for the monitoring network.</p> <p>Figure 4-1 (Representative Monitoring Sites for Evaluating Sustainable Management Criteria) shows insufficient representation of DACs, drinking water users, and tribes for groundwater elevation monitoring. Figure 5-2 (Monitoring Well Locations - Water Quality) shows insufficient representation of DACs, drinking water users, and tribes for water quality monitoring.</p> <p>The GSP states (p. 5-5): "With the potential that riparian habitat exists along the San Luis Rey River within the Pala and/or Pauma Subbasins, the existence of such habitat should be evaluated, and if such habitat is found to exist within the subbasins, monitoring should be conducted to evaluate the condition of such habitat and how that condition informs the sustainability goals and criteria in the GSP." However, the GSP does not provide specific plans, such as locations or a timeline, to fill the data gaps for GDEs and ISWs.</p>	Comment noted. Response to specific recommendations provided below (Comments 45 through 48).
			45	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>Provide maps that overlay current and proposed monitoring well locations with the locations of DACs, domestic wells, tribes, and GDEs to clearly identify monitored areas.</li> </ul>	Figure 4-1 was modified to show the locations of potential GDEs and ISW. Additional discussion regarding the need for additional monitoring of domestic wells, surface water flows, and conditions near any verified GDE/ISW was added to the Data Gap section (Section 5.3). Data are lacking regarding the location of tribal and domestic wells. The GSA anticipates trying to collect more of these data during the early phases of GSP implementation and thereafter.
			46	<ul style="list-style-type: none"> <li>Increase the number of RMSs in the shallow aquifer across the subbasin as needed to map ISWs and adequately monitor all groundwater condition indicators across the subbasin and at appropriate depths for all beneficial users. Prioritize proximity to DACs, domestic wells, tribes, GDEs, and ISWs when identifying new RMSs.</li> </ul>	The text acknowledges that additional RMSs need to be incorporated to be representative of domestic wells. Text was clarified to include need for additional RMSs for GDEs and ISW as well. It should be noted that for most of the Pauma portion of the basin, groundwater levels have been below the aquitard which divides the shallow from the deeper aquifers. Current monitoring points are representative of the aquifer being pumped from. Groundwater in the shallow portion of the aquifer is present primarily in the Pala portion of the basin. RMSs in the Pala basin will be representative of the shallow aquifer.
			47	<ul style="list-style-type: none"> <li>Ensure groundwater elevation and water quality RMSs are monitoring groundwater conditions spatially and at the correct depth for all beneficial users - especially DACs, domestic wells, tribes, and GDEs.</li> </ul>	See response to Comment 46 above.
			48	<ul style="list-style-type: none"> <li>In Section 5.5, further describe biological monitoring along the San Luis Rey River that can be used to assess the potential for significant and unreasonable impacts to GDEs or ISWs due to groundwater conditions in the subbasin. Additional studies of GDEs and groundwater - surface water interactions are briefly discussed in Chapter 6 (Projects and Management Actions), but very few details are provided.</li> </ul>	Recommendations for the evaluation of GDEs were provided by the California Department of Fish and Wildlife (see CDFW Comments 15 through 18). These recommendations will be considered for the verification of GDEs/ISWs and the development of future monitoring programs based on additional information from addressing data gap areas. Additional discussion on data gaps was added to Section 5.3.
			49	<p>4. Addressing Beneficial Users in Projects and Management Actions</p> <p>The consideration of beneficial users when developing projects and management actions is insufficient, due to the failure to completely identify benefits or impacts of identified projects and management actions, including water quality impacts, to key beneficial users of groundwater such as GDEs, aquatic habitats, surface water users, DACs, tribes, and drinking water users. Therefore, potential project and management actions may not protect these beneficial users. Groundwater sustainability under SGMA is defined not just by sustainable yield, but by the avoidance of undesirable results for all beneficial users.</p> <p>While the plan describes potential recharge projects within the subbasin, these are classified as Tier 2 and Tier 3 projects and management actions with no concrete plans in place during the GSP planning horizon. Moreover, the GSP fails to describe these projects' explicit benefits to environmental beneficial users, DACs, or drinking water users.</p> <p>We note that the plan does not include a domestic well mitigation program to avoid significant and unreasonable loss of drinking water. We strongly recommend inclusion of a drinking water well impact mitigation program to proactively monitor and protect drinking water wells through GSP implementation.</p>	Comment noted. Response to specific recommendations provided below (Comments 50 through 53).
			50	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> <li>For DACs and domestic well owners, include a drinking water well impact mitigation program to proactively monitor and protect drinking water wells through GSP implementation. Refer to Attachment B for specific recommendations on how to implement a drinking water well mitigation program.</li> </ul>	The text acknowledges that additional RMSs need to be incorporated to be representative of domestic and shallow wells. SMCs developed at these RMSs will allow shallow conditions/potential impacts to shallow wells to be monitored. There is a need to develop further data to understand basin conditions and assess potential impacts to SDACs and domestic well owners. The PVGSA is making this data collection a priority. Following additional data collection and analysis, the need for developing a mitigation program can be assessed and implemented before the 5-year report.

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			51	<ul style="list-style-type: none"> <li>For DACs and domestic well owners, include a discussion of whether potential impacts to water quality from projects and management actions could occur and how the GSA plans to mitigate such impacts.</li> </ul>	Potential impacts are provided in Table 6-1. Additional modeling is anticipated to be conducted prior to initiating larger management actions (e.g., stormwater capture, in-lieu recharge, etc.) to assess impacts.
			52	<ul style="list-style-type: none"> <li>Recharge ponds, reservoirs, and facilities for managed aquifer recharge can be designed as multiple-benefit projects to include elements that act functionally as wetlands and provide a benefit for wildlife and aquatic species. For guidance on how to integrate multi-benefit recharge projects into your GSP, refer to the "Multi-Benefit Recharge Project Methodology Guidance Document."</li> </ul>	The primary focus of the potential groundwater management actions/projects proposed in the GSP is to reduce native groundwater demand through conservation, increase natural and/or supplemental groundwater recharge, and maximize sustainable yield. Multiple benefit projects may be considered if and when they may benefit the management of the groundwater basin for all groundwater users. Benefits are anticipated to be discussed during feasibility planning that will be conducted prior to initiating larger scale projects (e.g., recharge ponds, etc.).
			53	<ul style="list-style-type: none"> <li>Develop management actions that incorporate climate and water delivery uncertainties to address future water demand and prevent future undesirable results.</li> </ul>	Climate change is anticipated to be included in future modeling scenarios as part the feasibility studies for certain proposed management projects. A discussion of imported water reliability was added to Section 3.3.5.8.2 of the GSP.
2	Valley Center Municipal Water District	5-Jan-22	1	You and the PVGSA should be heartily congratulated for what you have accomplished. Given the complexity of the subject basin in terms of overlying water agencies, private pumpers, Tribal Nations, involvement of state agencies, and the relatively short timeframe for this final effort, the fact that you have completed and are presenting a final GSP is nothing short of a truly remarkable accomplishment. I make this observation, not from the 30,000 feet level, but as one who spent many frustrating hours in innumerable meetings over several years in the initial attempts to form a GSA and move the GSP process forward. As such, I understand what the document before us represents in terms of your and the PVGSA perseverance and commitment.	Comment noted.
			2	As for the document itself, it is a comprehensive and reasonable approach to begin the long-term assessment and management of the basin. It is reasonable in that it fully recognizes the constraints of the limited groundwater data throughout the basin. It is comprehensive in that proscribes a thorough and well-thought approach in ongoing data collection efforts, as well as designing and implementing future data collection. The essence of the GSP is that, through data collection over the initial five years of implementation, the initial assessment of the basin's hydrogeologic conditions will be confirmed, refined or even modified. In other words, the main importance of the GSP for the long-term is the data collection regime it establishes today.	Comment noted.
			3	That being said, a key element of the GSP's success will be the approach and resources the GSP invests in the data collection, analysis and reporting. Groundwater data collection will have to be complete, consistent, and fully comply with the GSP. Data collection should be done by independent and qualified persons or entities to ensure that professional resources are always available to complete the tasks in a timely manner. Further, the use of outside resources will help to establish trust among all stakeholders that the data itself and the interpretation of the data is reliable. As such, in moving forward, the GSP must provide the resources to fund an ongoing relationship with consultants and/or experts to conduct future data collection, interpretation and reporting. This will be a key element to the success of GSP and the long-term management of the basin.	Comment noted. We agree that data collection is a key element going forward. Additional line items were added to the estimated planning level costs (Table 7-2) to reflect subconsultant costs for data management, annual and 5-year reporting and associated analysis.
3	California Department of Fish and Wildlife	6-Jan-22	1	<p>Comment #1 – Assessment of Fish and Wildlife Adjacent to the River (Section 3.3.4.4, Page 3-20): The Draft GSP does not accurately characterize sensitive fish and wildlife species known to occur in the Upper San Luis Rey River (USLR River).</p> <p>Issue #1.1: CDFW has concerns regarding the limited number of terrestrial and aquatic special status species that the PVGSA lists in the Draft GSP. The USLR River provides habitat that supports several sensitives species throughout their life cycles, including the federal Endangered Species Act (ESA)-listed and California Endangered Species Act (CESA)- listed southwestern willow flycatcher (<i>Empidonax traillii extimus</i>), the ESA-and CESA-listed least Bell's vireo (<i>Vireo belli pusillus</i>), the ESA-listed Southern California steelhead (<i>Oncorhynchus mykiss</i>; SC steelhead), the CESA-listed Swainson's hawk (<i>Buteo swainsoni</i>), and the ESA listed and CDFW species of special concern (SSC) arroyo toad (<i>Anaxyrus californicus</i>) (CNDDDB; CDFW 2021). Additional CDFW SSCs known to occur in the Basin include arroyo chub (<i>Gila orcuttii</i>), western spadefoot (<i>Spea hammondi</i>), southwestern pond turtle (<i>Actinemys pallida</i>), coast horned lizard (<i>Phrynosoma blainvillii</i>), California legless lizard (<i>Anniella pulchra</i>), California glossy snake (<i>Arizona elegans occidentalis</i>), two-striped garter snake (<i>Thamnophis hammondi</i>), yellow-breasted chat (<i>Icteria virens</i>), and yellow warbler (<i>Setophaga petechia</i>) (CNDDDB; CDFW 2021).</p> <p>These sensitive species above are beneficial users of groundwater dependent ecosystems (GDEs). GDEs and habitat that support these species consist of phreatophytes and other vegetation communities that are dependent on shallow aquifers that support surface water in each of these systems. Phreatophytic vegetation is a critical contributor to nesting and foraging habitat for a wide range of species. These vegetation communities can be affected by depth to groundwater threshold impacts (Froend et al 2010; Naumburg et al 2005). This sensitivity to groundwater level thresholds means that localized pumping and recharge actions altering groundwater levels can impact the health and extent of phreatophytic vegetation health. Both decreasing (drying out) or increasing (drowning) groundwater elevation have the potential to stress phreatophytes depending on the plant species and the groundwater elevation and duration (e.g., short term wetness/dryness versus prolonged wetness/dryness).</p>	Comment noted. Response to specific recommendations provided below (Comments 6 through 8).

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			2	The unsustainable use of groundwater can impact species dependent on shallow aquifers and ISWs. This may lead to adverse impacts on fish, wildlife, and the habitat they need to survive. Determining the effects that groundwater levels have on surface water flows in the Basin would provide an understanding of how the groundwater levels may be associated with the health and abundance of riparian vegetation. Poorly managed groundwater pumping, and interconnected surface water flows have the potential to reduce the abundance and quality of riparian vegetation. This reduction also diminishes the amount of shade provided by the vegetation, and ultimately leads to increased water temperatures in the Basin. Some examples of species potentially dependent on GDEs include: <ul style="list-style-type: none"> <li>● The San Luis Rey River represents the southernmost watershed in which arroyo chub are native. Historically, this species was present throughout the watershed but preferred the slower moving sections in the lower elevation sections of the watershed. Significant modifications to the hydrology and the introduction of non-native species have limited the current distribution of this species within the watershed to one short section (O'Brien and Barabe, in press), increasing the potential for a single stochastic event to eradicate the species from one of the seven native watersheds. Groundwater extraction adds another potential impact and must be considered.</li> </ul>	Comment noted. Response to specific recommendations provided below (Comments 6 through 8).
		3	<ul style="list-style-type: none"> <li>● Arroyo toad survival and reproductive success may be particularly susceptible to groundwater pumping. The reproductive success of the arroyo toad is dependent upon suitable breeding pools that must retain water long enough to sustain the development of their egg masses, larvae, and metamorphs (U.S. Fish and Wildlife Service 1999). Groundwater pumping that impairs streamflow could have negative impacts on arroyo toad populations.</li> </ul>		
		4	<ul style="list-style-type: none"> <li>● Southwestern pond turtles' preferred habitat is permanent ponds, lakes, streams, or permanent pools along intermittent streams associated with standing and slow-moving water. A potentially important limiting factor for southwestern pond turtle is the relationship between water level and flow in off-channel water bodies, which can both be affected by groundwater pumping.</li> </ul>		
		5	<ul style="list-style-type: none"> <li>● If groundwater depletion results in reduced streamflow in areas with interconnected surface waters (ISWs), the nesting and foraging success of southwestern willow flycatcher, least Bell's vireo, and other bird species may be diminished due to the reduced nesting habitat and food availability.</li> </ul>		
		6	Recommendation #1.1(a): To ensure meaningful consideration of beneficial users of groundwater and GDEs as required under SGMA, CDFW recommends the PVGSA provide a biological assessment identifying species known to occur within the GDEs. Therefore, CDFW recommends the PVGSA add southwestern willow flycatcher, least Bell's vireo, western spadefoot, Swainson's hawk, arroyo chub, arroyo toad, southwestern pond turtle, coast horned lizard, California legless lizard, California glossy snake, yellow-breasted chat, and yellow warbler to the final GSP. Given these species' dependency on GDEs, the Draft GSP must 1) accurately identify species that occur in the Basin and depend on groundwater; 2) identify species' habitats; and 3) identify potential effects on these species and their habitat from current and future groundwater pumping scenarios.	As explained in the responses to comments by the Nature Conservancy et al. (Comments 9, 10, 15, and 17, among others), areas identified in the GSP will be retained as potential GDEs or ISWs until additional information can be collected to verify/revise understanding of dependency and/or interconnectivity. This understanding needs to be improved through additional data collection before meaningful SMCs can be developed. A table of species potentially dependent on groundwater/surface water was added to Section 3.3.4.5, as also suggested by the Nature Conservancy and others (Comment 18).	
		7	Recommendation #1.1(b): CDFW recommends the PVGSA map out the locations of ISWs, document aquatic habitats and other GDEs as required under SGMA. The PVGSA should provide appropriate consideration in the water budget for those habitats and the sensitive species that rely on them. Additionally, shallow groundwater levels near ISWs should be monitored to ensure that groundwater use is not depleting surface water and affecting fish and wildlife resources associated with the GDEs or ISWs.	Figure 3-22 was created for the Interconnected Surface Water System section (Section 3.3.4.4), showing stream reaches and potentially interconnected surface waters. Since streamflow and refinement of groundwater elevations are identified in the data gap section, understanding of interconnectivity with surface water throughout the basin will continue to be refined through future data collection efforts. Additional discussion was added to this effect. ET from riparian vegetation is considered in the groundwater budget, as discussed in Section 3.3.5.3.3. As stated in the text, additional RMSs may need to be added for GDEs/ISW after additional data can be collected verifying groundwater dependence/connection. SMCs will be refined as needed based on additional information as well.	
		8	Recommendation #1.1(c): CDFW recommends the PVGSA identify potential impacts of groundwater depletions to fish and wildlife beneficial users. Furthermore, the evaluation should consider species' water needs for all life history stages when defining undesirable results and setting minimum thresholds as required by SGMA (see Recommendation #1.1(a) for list of species). Understanding the timing of water availability with respect to species needs across all life history phases will allow groundwater planners to better account for groundwater management impacts to fish, wildlife, and users of groundwater and ISWs.	Additional data are needed to develop the understanding. See response to Comment 7 above.	

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			9	Issue #1.2: The National Marine Fisheries Service 2012 Southern California Steelhead Recovery Plan lists the San Luis Rey River as a Core 1 population. Core 1 populations are identified as the highest priority for recovery actions based on a variety of factors, including: the intrinsic potential of the population in an unimpaired condition; the role of the population in meeting the spatial and/or redundancy viability criteria; the current condition of the populations; the severity of the threats facing the populations; the potential ecological or genetic diversity the watershed and population could provide to the species; and the capacity of the watershed and population to respond to the critical recovery actions needed to abate those threats (NMFS 2012). Based on the information provided in the Draft GSP, CDFW is not able to determine if SC steelhead is present within the Basin. Historically, SC steelhead occurred in the USLR River (Swift et al. 1993). There are several historical records of SC steelhead at or very near the headwaters of the USLR River (e.g., reports from 1874 of native trout in Warner’s pass at the head of the USLR River, and report by Eigenmann in 1890 describes native trout in Pala Creek, which is a tributary to the San Luis Rey River). As recent as 1946, Hubbs reported native trout abundant in stream near Smith Mountain (now Palomar Mountain) and Pala in the headwaters of the San Luis Rey systems (Swift et al. 1993). In 2007, an adult steelhead was reported in the lower section of the San Luis Rey River (Kataniak and Downie 2010) illustrating the potential for recovery of this species within this watershed. Additionally, two populations of resident rainbow trout persist within the watershed (Barabe 2019, Barabe 2020) and could be impacted by groundwater extraction. Furthermore, the drawdown of groundwater may impact the retention of sufficient flows for fish passage of the federally listed southern Distinct Population Segment of steelhead.	Comment noted. It is important to note that the construction of Henshaw Dam in 1922 significantly altered streamflow in the USLR Subbasin. Much of the San Luis Rey River is dry/disconnected except during periods of intense rainfall. In addition, GSPs are not responsible for addressing undesirable results, including potential adverse impacts to steelhead and other fish or aquatic species, that occurred before January 1, 2015. Water Code, section 10727.2(b)(4).
			10	Recommendation #1.2: CDFW recommends the PVGSA identify SC steelhead as a species that has the potential to occur within the Basin and has the potential to be impacted by groundwater pumping.	Species was added to the table of potential flora/fauna, per CDFW Comment 1.
			11	Comment #2 – Assessment of Groundwater Dependent Ecosystems (GDEs) and Interconnected Surface Waters (Section 3.3.4.4, Page 3-20): The Draft GSP does not accurately identify potential GDEs relative to depth to groundwater. Issue #2.1: A groundwater depth of 20 feet was applied to identify potential GDEs (Page 3-21). GDE identification, required by 23 CCR § 354.16(g), is based on methods that risk exclusion of ecosystems that may depend on groundwater. The Draft GSP removes potential GDEs with a depth to groundwater greater than 20 feet. According to the Draft GSP, “[t]his depth is considered to be the typical extinction depth for most deep-rooted riparian vegetation; most roots of riparian vegetation would not be able to access groundwater resources if groundwater levels were deeper than this threshold. However, as noted previous, these areas (and their groundwater dependency) need to be evaluated by field investigation and through the collection of additional data” (Pg. 3-21). The use of a 20-foot threshold may incorrectly exclude other natural communities within the Basin from further consideration as a GDE. The Nature Conservancy (TNC) identifies depth-to-groundwater levels within 30 feet as a general proxy for identifying natural communities as supported by groundwater (TNC 2019).	Comment noted. Response to specific recommendations provided below (Comments 12 and 13).
			12	Recommendation #2.1(a): The PVGSA should clarify depth to groundwater for GDEs throughout the Basin and conduct additional field studies as recommended in the Draft GSP’s Appendix 3C. CDFW also recommends using TNC’s guide on Identifying GDEs under SGMA (2019) to include habitat areas where groundwater depth is greater than 20 feet bgs, but is still sustained by groundwater. CDFW suggests these habitat areas be identified as GDEs in a GDE map in the final GSP.	Per recommendations from the Nature Conservancy and others (see response to NC et al. Comments 15 and 17 above), areas identified in the GSP will remain areas of potential GDEs until dependency can be verified through additional data collection and field investigation. Potential GDE areas were expanded to include basin areas with estimated depth to groundwater of less than 30 ft on Figure 3-25.
			13	Recommendation #2.1(b): CDFW recommends considering additional best available GDEs-related data and information when conducting GDE identification. Specifically, the PVGSA should consider TNC’s shallow groundwater estimation tool (TNC 2021a), U.S. Geological Survey data on mapped springs/seeps (USGS 2019), and a comparison of recent groundwater level contours to vegetation root zones (TNC 2019). CDFW believes the shallow alluvial aquifer likely support GDEs and should be analyzed further in the Draft GSP. Groundwater within the shallow alluvial aquifers is likely critical to supporting “ecological communities or species” within the Basin (23 CCR § 351(m)).	See response to Comment 12 above.

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			14	<p>Issue #2.2: The Draft GSP has indicated that the interaction between groundwater and surface water within the Basin is a data gap. Page 4-13 of the Draft GSP states, “[s]ince the current evaluation is limited to model-simulated surface flows and groundwater levels in the areas identified as having vegetation that may be dependent on groundwater, site-specific monitoring of groundwater levels and surface flow gauges will be needed to confirm groundwater / surface water interactions. Sustainability management criteria may require refinement following collection of field data.”</p> <p>Hydrologic connectivity considerations include connected surface waters, disconnected surface waters, and transition surface waters. CDFW believes that shallow perched groundwater, bedrock groundwater, a subterranean stream, and surface water can still be connected to groundwater. ISWs and hydrologic connectivity cannot be ruled out without further analysis. A recent publication by TNC notes that, “[i]f pumping is concentrated in deeper aquifers, SGMA still requires GSAs to sustainably manage groundwater resources in shallow aquifers, such as perched aquifers, that support springs, surface water, domestic wells, and GDEs...This is because vertical groundwater gradients across aquifers may result in pumping from deeper aquifers to cause adverse impacts onto beneficial users reliant on shallow aquifers or interconnected surface water.” (TNC 2019.) If hydrologic connectivity exists between a terrestrial or aquatic ecosystem and groundwater, then that ecosystem is a potential GDE and must be identified in a GSP. (23 CCR § 354.16 (g).) Therefore, hydrologic connectivity between surface water and groundwater, as well as groundwater accessibility to terrestrial vegetation, must be carefully evaluated.</p>	Comment noted. Response to specific recommendations provided below (Comments 15 through 18).
			15	<p>Recommendation #2.2(a): CDFW recommends the PVGSA utilize the digital database of indicators of groundwater dependent ecosystems (iGDEs) from the Mapping Indicators of Groundwater Dependent Ecosystems in California: Methods Report (Klausmeyer et al. 2018) to review each of the ecoregion/vegetation types. In Klausmeyer et al. (2018), vegetation alliance descriptions from A Manual of California Vegetation, Second Edition (Sawyer et al. 2009) are used to classify vegetation communities. In addition to using the iGDEs database, CDFW also recommends field assessments be conducted to further reclassify vegetation communities based on the dominant plant species (Sawyer et al. 2009).</p>	Comment noted. Methodology will be taken into consideration during development of field investigation and addressing of data gaps. Identification of potential GDEs and/or confirmed GDEs will be revised based on the results.
			16	<p>Recommendation #2.2(b): CDFW recommends using Normalized Difference Vegetation Index (NDVI) and Normalized Difference Moisture Index (NDMI) to assess habitat health for all potential GDE areas on an annual basis. NDVI and NDMI should be used as early indicators of water stress on GDEs. NDVI and NDMI are remotely sensed color data that can be used as a refined proxy for vegetation health in the Basin. The TNC GDE Pulse tool (2021b) provides both a web viewer and access to the raw data to analyze these metrics over different periods of time (Klausmeyer et al. 2019).</p>	Comment noted. Methodology will be taken into consideration during development of monitoring protocols for any identified GDEs.
			17	<p>Recommendation #2.2(c): If the PVGSA’s revised analysis indicates that additional communities qualify as GDEs under SGMA, CDFW recommends the GSP’s sustainable management criteria (SMC) be revised to facilitate timely monitoring and management response actions for all beneficial users within or supported by these GDEs. These GDEs should be monitored for groundwater levels and vegetative health to account for and mitigate potential adverse impacts to these GDEs from new production wells or expanded production from existing wells.</p>	Comment noted. The PVGSA intends to consider revising RMSs and SMC as needed to protect confirmed GDEs per SGMA.
			18	<p>Recommendation #2.2(d): CDFW does not recommend relying solely on soils information to assess the presence of GDEs. For example, the presence of sandy, dry, and friable soils does not mean that existing plant species do not rely on groundwater for some portion of their life cycle. Capillary fringe associated with root networks from native plants could be accessing groundwater from deeper depths.</p>	Soils information was not anticipated to be used as a major deciding factor in the future groundwater dependency evaluation.

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			19	<p>Comment #3 – Section 4.4.4 Minimum Thresholds: Depletions of Interconnected Surface Water (Page 4-11): Defaulting to the post-2015 low groundwater level as minimum thresholds because similar conditions have previously occurred does not account for relevant best available science (TNC 2021a; TNC 2021b; TNC 2019), including annual cycles and seasonal variation. Justifying the minimum thresholds for depletions of interconnected surface waters does not acknowledge that groundwater levels temporally fluctuate. Groundwater levels fluctuate over seasonal, interannual, or annual time scales due to California’s Mediterranean climate, and climatic drought events.</p> <p>Issue: The Draft GSP defaults to seasonal or historical low groundwater levels to establish minimum thresholds. The PVGSA states that:</p> <ul style="list-style-type: none"> <li>• “Undesirable results and MTs for depletions in interconnected surface water would be groundwater levels falling below the lowest groundwater level since 2015 in the identified areas with potentially dependent vegetation (Figure 3-23)” (Section 4.4.4, Page 4-11).</li> <li>• “MOs for the depletion of interconnected surface water would be to maintain seasonal groundwater levels since 2015 in the identified areas with potentially dependent vegetation.” (Section 4.5.4, Page 4-13).</li> </ul> <p>The Draft GSP establishes minimum thresholds for groundwater levels based on record low static groundwater levels. This is not likely to prevent undesirable results to beneficial users, or ISWs, including GDEs (see Comment #2). The Draft GSP assumes that undesirable results would be avoided because any associated ISW depletions would not be worse than what occurred since 2015. Threshold levels for compliance should be defined in a way that reflects an annual cycle, including seasonal thresholds as well as inter-annual thresholds that reflect how levels have historically behaved during dry and wet periods — again, using the best available information (DWR 2016). The Draft GSP contends that only groundwater conditions that worsen beyond historic lows would constitute an undesirable result. However, GSPs must first evaluate potential adverse impacts to beneficial uses and users and determine at what groundwater levels those impacts would occur, and then set minimum thresholds accordingly.</p> <p>Groundwater levels immediately preceding 2015 were likely unusually low due to limited surface water availability and/or heavier reliance on groundwater pumping during the drought period. Therefore, the levels during this drought period, or estimates of the levels, should be considered the low point in a wet-dry year cycle, and should be adopted as the bottom of the allowable range.</p>	<p>Comment noted. Response to specific recommendations provided below (Comment 20).</p> <p>The GSA also notes that DWR has approved managing the depletion of interconnected surface water caused by the production of percolating groundwater through stabilizing groundwater levels in cases where, like the San Luis Rey River, surface water flows are controlled by dams, diversions, wastewater discharges and other upstream activities outside of the authority of the GSA. (See, for example, January 13, 2022 DWR review of Las Posas Valley GSP, at page 34. )</p>
			20	<p>Recommendation #3: The Draft GSP should reselect minimum thresholds that would better protect environmental uses and users of groundwater, rather than defaulting to the historical low groundwater levels for the Basin.</p>	<p>Based on current information available during GSP preparation, the MTs are protective to basin users as long as the GSP recommendations are followed unless future data trends show otherwise. In addition, it is anticipated that SMCs may need to be revised as additional information and data are collected. The SMCs will, of course, be reevaluated at a minimum interval of 5 years during the GSP Update process.</p>
			21	<p>Comment #4 – Section 2.1.1 General Land Use Characteristics (Page 2-3)- Cannabis Cultivation (Cannabis Priority Watershed): The Draft GSP identifies most of the land use within the basin as agriculture but does not identify cannabis cultivation as an agricultural use.</p> <p>Issue: CDFW is concerned that current and future groundwater uses for cannabis cultivation are not being fully accounted for when evaluating this SGMA area. Cannabis is a water intensive crop (assuming six gallons of water per day per plant; Bauer S. 2015) that can have a significant impact to environmental beneficial users of groundwater. CDFW is concerned that without appropriate management of the two principal subbasins under SGMA by the PVGSA, significant and unreasonable surface water depletions may occur, compromising groundwater dependent ecosystems within and along the San Luis Rey River and its tributaries. Potential impacts to interconnected surface waters from groundwater use for cannabis cultivation projects should be assessed on an individual project basis and a cumulative level assessment.</p> <p>San Diego County is in the process of becoming a permissible jurisdiction for cannabis cultivation. Additionally, CDFW and the San Diego County Sheriff’s Department have discovered several unauthorized cannabis cultivation projects in the Basin; that is likely unaccounted for in the Draft GSP. CDFW understands that the water sources for the unauthorized cannabis cultivation projects are unknown and the PVGSA cannot account for it in the water budget. However, the water source for the majority of future authorized cannabis cultivation projects will likely be pumped groundwater.</p>	<p>Comment noted. Response to specific recommendations provided below (Comments 22 and 23).</p>
			22	<p>Recommendation #4(a): CDFW recommends a more careful review of the existing information and future projection of cannabis cultivation within the Basin. The Draft GSP should account for future authorized cannabis cultivation projects in its water budget.</p>	<p>Future cannabis production water needs should be subject to permitting, which would fall under County collaboration in terms of future well permits for agriculture. Future water budget analysis is subject to a myriad of uncertainties. That is why the GSA has adopted an adaptive management approach and identified different tiers of potential management actions and plans that can be used to address changes in anticipated conditions.</p>

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			23	Recommendation #4(b): CDFW also recommends the PVGSA classify and monitor the Basin as a Cannabis High Priority Watershed, as the San Luis Rey River has been designated as such by CDFW, in coordination with the State Water Resources Control Board. Designating this area as a Cannabis High Priority Watershed should require groundwater to be measured, monitored, and sustainably managed for all beneficial uses, including groundwater dependent vegetated communities and interconnected surface waters that are necessary to support riparian and aquatic habitat, and associated special-status species. Without the designation of the Basin as a Cannabis High Priority Watershed, evaluation of cannabis crop water usage may be overlooked throughout the Basin. Based on the number of applications for legal cultivation in other permissible jurisdictions, there is documented significant demand and potential adverse impacts to beneficial users of groundwater.	Cannabis water use will be considered in the same category as agricultural/domestic use. It should be subject to well permitting ordinances and data will be provided to the GSA for use in future planning and basin management.
			24	GENERAL COMMENTS AND RECOMMENDATIONS Comment #5 – Draft GSP vs. Final GSP Issue: The PVGSA may need to revise the GSP before it is finalized and adopted.	The GSP has been revised as needed to address CDFW and other comments
			25	Recommendation #5: CDFW recommends PVGSP provide a red-lined version of the final GSP to understand the changes made between the Draft GSP and final GSP. Alternatively, CDFW recommends PVGSA provide a summary of changes made and comments addressed by PVGSA in preparation of a final GSP.	Thank you for your suggestion.
			26	CONCLUSION CDFW appreciates the opportunity to comment on the Draft GSP. CDFW recommends PVGSA address the comments above to avoid a potential ‘incomplete’ or ‘inadequate’ GSP determination per SGMA Regulations, as assessed by the Department of Water Resources, for the following reasons derived from regulatory criteria for GSP evaluation: 1. The assumptions, criteria, findings, and objectives, including the sustainability goal, undesirable results, minimum thresholds, measurable objectives, and interim milestones are not reasonable and/or not supported by the best available information and best available science. [CCR § 355.4(b)(1)] (See Comments # 1, 2, 3, and 4); 2. The Draft GSP does not identify reasonable measures and schedules to eliminate data gaps. [CCR § 355.4(b)(2)] (See Comments # 2, 3, and 4); 3. The SMC and projects and management actions are not commensurate with the level of understanding of the basin setting, based on the level of uncertainty, as reflected in the Draft GSP. [CCR § 355.4(b)(3)] (See Comments # 2 and 3); 4. The interests of the beneficial uses that are potentially affected by the use of groundwater in the Basin, have not been considered. [CCR § 355.4(b)(4)] (See Comments # 1, 2, 3, and 4).	Comment noted; we appreciate your feedback. Specific comments are addressed in prior responses.
4	City of Oceanside	7-Jan-22	1	The City of Oceanside (“City”) offers these comments on the administrative draft of the Upper San Luis Rey Valley Groundwater Sustainability Plan (“GSP”) dated November 22, 2021. The City’s technical review of the GSP is still pending and the City reserves the right to offer further comments on the GSP, as it may be modified over time, to the Pauma Valley Groundwater Sustainability Agency (“GSA”), its member agencies, and the California Department of Water Resources (“DWR”). Please include this letter in the record of proceedings for the GSP. As a preliminary matter, the City greatly appreciates the difficult work the GSA staff and consultant team has undertaken to implement the Sustainable Groundwater Management Act (“SGMA”) for the Upper San Luis Rey Valley Subbasin (“Upper Basin”), including its time-consuming but beneficial engagement with all stakeholders.	Comment noted.
			2	I. THE GSP AND ITS FUTURE IMPLEMENTATION MUST TAKE INTO ACCOUNT IMPACTS TO THE LOWER SAN LUIS REY VALLEY GROUNDWATER BASIN SGMA’s goal is to provide for the sustainable management of priority groundwater basins throughout the State. “Sustainable management” is defined as the “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results”— e.g., chronic lowering of groundwater levels, significant and unreasonable reduction of groundwater storage, significant and unreasonable seawater intrusion, and depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water. Pursuant to SGMA and its implementing regulations, a GSP must take into account impacts on an adjacent* basin. In particular, a GSP cannot adversely affect the “ability of an adjacent basin to implement their groundwater sustainability plan or impede[] achievement of sustainability goals in an adjacent basin.” Any GSP that cannot meet this standard will not satisfy SGMA. The City appreciates the GSP’s acknowledgment of a significant hydrologic and hydraulic connection with the Lower San Luis Rey Valley Subbasin (“Lower Basin”). Groundwater management in the Upper Basin impacts the availability of San Luis Rey River underflow in the Lower Basin. There is a direct link between groundwater in the Upper Basin and surface water in the San Luis Rey River downgradient of the Upper Basin.	We agree. Additional text was added to Section 3.3.5.3.2 discussing outflow to downgradient Bonsall Basin. However, outflow to Mission Basin will be directly tied to groundwater and surface water activities in Bonsall Basin, which is out of scope of this GSP.

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			3	<p>II. THE GSP AND FUTURE IMPLEMENTATION MUST AVOID ADVERSE IMPACTS TO THE CITY'S WATER RIGHTS</p> <p>The City holds a senior priority pre-1914 appropriative right to divert up to 7,250 afy from the San Luis Rey River. Additionally, the City holds a permit from the State Water Resources Control Board (Permit 5229) to appropriate 1,250 acre-feet per year (afy) from the San Luis Rey River. The City's interest is ensuring that groundwater management in the Upper Basin does not adversely impact the City's ability to make full beneficial use of its water rights to the San Luis Rey River. SGMA does not "determine[] or alter[] surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights." Accordingly, implementation of the GSP, including management of pumping in the Upper Basin, should avoid any adverse impacts to the City's senior priority water rights.</p>	Comment noted. See response to Comment 2 above.
			4	<p>III. THE CITY SUPPORTS AND ENCOURAGES ROBUST MONITORING OF INTERBASIN FLOWS</p> <p>The GSP describes the existence of stream gaging stations at the bottom of the Pala Subbasin which provide information about the outflows from the Upper Basin. The GSP also indicates that the monitoring network to be implemented pursuant to SGMA "will include collection of surface flow and water level data" and that at a minimum, "such data should be collected at the downstream end of the Pala Subbasin, possibly from an existing gauging station." The City urges the GSA to ensure the implementation of an adequate monitoring plan, including the installation and maintenance of necessary monitoring infrastructure to measure interbasin flows to the Lower Basin. Further, such data should be made available to Lower Basin stakeholders such as the City to ensure the avoidance of adverse impacts to San Luis Rey River water right holders downstream of the Upper Basin.</p>	Comment noted. Data collected as part of the ongoing monitoring program for the GSP will be available in annual and 5-year reports.
			5	<p>IV. CONCLUSION</p> <p>The City appreciates the opportunity to provide these comments on the draft GSP and the GSA's consideration of potential impacts on the Lower Basin. The City looks forward to future dialogue and communication regarding efforts to monitor interbasin flows and the avoidance of impacts to downstream San Luis Rey River water right holders.</p>	Comment noted; we appreciate your feedback.
5	San Luis Rey Indian Water Authority	7-Jan-22	1	<p>I. GENERAL COMMENTS</p> <p>A. Contrary to Water Code sections 10727, 10724 and 10735.2(a), the entity that purports to be the GSA for the San Luis Rey Upper Basin (Upper Basin, or Basin) does not cover the entire basin. This threshold issue should be decided before any provisions of the Purported GSP are considered or evaluated.</p>	<p>The comment is not accurate for the reasons provided below. Water Code, section 10727(b) provides: "A groundwater sustainability plan may be any of the following: (1) a single plan covering the entire basin developed and implemented by one groundwater sustainability agency." Similarly, Water Code section 10735.2(a)(3) provides that a high- or medium-priority basins may be subject to probation if a GSA has not "not adopted a groundwater sustainability plan for the entire basin."</p> <p>The Upper San Luis Rey Valley Subbasin Groundwater Sustainability Plan (GSP) has been adopted by the multi-agency Pauma Valley Groundwater Sustainability Agency (PVGSA) created by Memorandum of Understanding dated June 27, 2017, with amendments. The GSP covers, and will attain sustainability criteria throughout the entire Upper San Luis Rey Valley Subbasin (Subbasin), and is thus in compliance with Water Code, sections 10727 and 10735.2(a)(3).</p> <p>Water Code, section 10724(a) provides: "In the event there is an area within a high- or medium-priority basin that is not within the management area of a groundwater sustainability agency, the county within which that unmanaged area lies will be presumed to be the groundwater sustainability agency for that area." The County of San Diego withdrew from the GSA in January 2019. The remaining members of the GSA, namely, Yuima Municipal Water District, Pauma Valley Community Service District, Upper San Luis Rey Resource Conservation District, <i>Pauma Municipal Water District</i> and <i>San Luis Rey Municipal Water District</i> cover the entire Basin, subject to the caveats that they do not cover: (1) some or all tribal lands (not required to be managed under SGMA) which, according to the IWA comment letter, encompass approximately 38% of the land overlying the Subbasin; (2) minor acreage on the fringes of the Subbasin that are covered and managed via the GSP but which have been determined by the GSA's consulting hydrogeologist, Geoscience, to be outside the geologic boundaries of the Basin, and for which a scientific basin boundary adjustment will be pursued during the next open DWR boundary adjustment window (refer to Section 3.3.1 and Figure 2-2); and (3) a de minimis area on the southern fringe of the Sub Basin totaling no more than 16.1 acres (out of a total of 14,991 in the entire Sub-Basin), and which will be managed by the GSP via GSP projects and management actions to reach sustainability notwithstanding any pumping (unanticipated) that may occur in the future on the fringe of the Subbasin. (See GSP Figure 1; see also DWR GSA Frequently Asked Questions, # 11).</p>



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			2	B. The Upper San Luis Rey Basin Resource Conservation District (RCD) is not a “local agency” as that term is defined in Water Code section 10721(a), and RCD therefore does not cover any land within the defined Upper Basin.	This comment is not legally or factually accurate. In order to manage groundwater per SGMA, a “local agency”, such as an RCD, must have water supply, water management or land use responsibilities. (Water Code §§ 10721 (n), 10723(a).) SGMA requires that each medium or high priority basin or sub-basin be managed by one or more local agencies. For the reasons extensively documented in the San Diego County LAFCO correspondence attached hereto and incorporated herein by reference, the State Water Resources Control Board has already opined on at least two occasions that Resource Conservation Districts (RCDs) are “local agencies” for purposes of SGMA, and nothing the San Diego LAFCO did during the 2021 Municipal Service Review (MSR) for RCDs in San Diego County changed or otherwise altered that determination. (See, e.g., Sub-Exhibit A, April 2, 2021 correspondence between SDLAFCO Executive Officer Keene Simonds and PVGSA Administrator Amy Reeh [“We are saying so long as Upper San Luis Rey RCD’s groundwater management activities are tied to the GSA we take no issue because we defer to the State on eligibility in SGMA.”] The USLRRCD, as exhaustively documented in the attached comment letters (See Sub-Exhibit B) submitted to SDLAFCO as part of the MSR Process, very clearly exercises water management responsibilities within its service area—which was the conclusion of the San Diego LAFCO Special District’s Advisory Ad Hoc Subcommittee which investigated that specific question. (See Sub-Exhibit C [correspondence of March 4, 2021 between Kimberly Thorner and Keene Simonds].) The SLRRCD is a “local agency” eligible to participate in the PVGSA because it has water management responsibilities within its service area.
			3	C. The reservations of the La Jolla, Rincon, Pauma, and Pala Bands of Mission Indians (Bands) and the fee land acquired and owned by those Bands cover approximately 38% of the Upper Basin. Notwithstanding the extensive efforts of the San Luis Rey Indian Water Authority (SLRIWA) and the Bands to participate voluntarily in governance of the Upper Basin GSA pursuant to Water Code sections 10720.3(c) and (d), (including an offer to contribute up to \$400,000 on a matching basis toward the cost of a mutually agreed upon consultant), the entities that now purport to be the Upper Basin GSP refused to enable the GSP consultant to consider or assess how the Bands’ federally reserved water rights could, should, or would be “respected in full” or how any water rights would and could be considered or assessed by the GSP consultant.	The PVGSA has appreciated the participation of the IWA and Bands in the GSP development process and continues to welcome their participation. The IWA and Bands are invited to all public stakeholder meetings related to SGMA and the GSP process, have participated in such meetings and discussions, and have submitted comments to the PVGSA and the State related to the Upper San Luis Rey GSP development process. The PVGSA has sought, and will continue to seek, engagement with the IWA and Bands related to SGMA. However, the IWA and Bands’ insistence that a GSP consultant must conduct a review and analysis of the Bands’ federally reserved water rights, as well as other water rights in the Pauma and Pala Valleys, as part of its GSP work was and remains not tenable for the reasons outlined in the December 20, 2021 letter from the attorney for GSA member Pauma Valley Community Services District to the State Water Resources Control Board, which was attachment 21 to the IWA comment letter and which has been incorporated into the administrative record.  In order to comply with the requirements of SGMA, the GSP must achieve sustainability of the Subbasin. This is the central mandate of SGMA. The PVGSA believes this requirement is best accomplished by using available information, rather than speculating on future determination or exercises of water rights, including unquantified federally reserved rights such as may exist. Such an approach is fully protective of federally reserved water rights because SGMA mandates that it does not determine or alter water rights, discussed above, and also requires that tribal federally reserved water rights be respected in full in the management of a groundwater basin. This means, absent express agreement from tribal authorities, that the PVGSA has no legal or other authority to curtail the exercise of federally reserved water rights, quantified or not, and that the Bands can, do, and will produce the groundwater they need to meet reservation purposes without GSA interference. The Draft GSP expressly recognizes the rights of the Bands to continue to produce groundwater from their reservation lands for reservation purposes, without being subject to GSA regulation. The Draft GSP also acknowledges that while total average groundwater production in the Subbasin is currently nearly in balance, that circumstance could change over time, particularly if the Bands increase their production. The GSP therefore recognizes the need to reach sustainability even in the event of changes or increases in future pumping by the Bands to meet the primary purpose of their reservation lands.  Additionally, the PVGSA contends that the SLRIWA assertion regarding SLRIWA’s agreement to pay \$400,000 is misleading for the reasons stated in the PVGSA’s Correspondence with DWR and the State Water Resources Control Board (SWRCB) of December 23, 2021 (hereinafter December 23 Response to SLRIWA), a copy of which is attached hereto and incorporated herein as Sub-Exhibit D.)

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			4	D. By refusing to allow the agreed-upon consultant to consider or assess the Bands' federally reserved water rights and by preventing SLRIWA and the Bands from meaningfully participating in the development of an Upper Basin GSP, the Purported GSA demonstrated that it is not qualified or capable of having any role or responsibility with respect to the management of the Bands' federally reserved water rights to groundwater in the Upper Basin pursuant to Water Code section 10720.3(d). Pursuant to section 10720.3(d), the only alternative is for the State Board to assume responsibility for carrying out that responsibility.	For the reasons explained in response to response to comment I.C, the PVGSA has not improperly declined to pursue the IWA and Bands' prior request that the GSP consultant conduct a water rights review and analysis of the Bands' unquantified federally reserved water rights or any other water rights within the Subbasin. In addition, IWA's comment that the PVGSA is not properly situated to manage the Bands' federally reserved water rights overlooks that SGMA does not apply to tribal lands and that the PVGSA lacks direct authority to manage tribal water supplies or land. In developing, adopting, and implementing the GSP, the PVGSA may not interfere with the exercise of federally reserved water rights, including those held by the Bands. Similarly, nothing in SGMA grants the State or local agencies authority to manage federally reserved water rights. It is also unclear under what authority the State Water Board would establish or manage federal reserved water rights, even if they were inclined to do so, as that is not a responsibility assigned to the State Water Board by SGMA. The primary role of the State Water Board under SGMA is to ensure each medium or high priority basin or sub-basin has an approved and implementable GSP that will result over the planning horizon in sustainable groundwater management. The GSP presented for submission to DWR is intended to do just that.
			5	E. The Purported GSA violated Water Code section 10720.3(c) by preventing SLRIWA and the Bands from voluntarily participating in the preparation or administration of an Upper Basin GSP.	For the reasons explained in response to comment I.C, and as thoroughly documented in PVGSA's response to SLRIWA of December 23 (Sub-Exhibit D), the PVGSA did not improperly decline to pursue the IWA and Bands' request that the GSP consultant conduct a water rights review and analysis of the Bands' federally reserved water rights or any other water rights within the Subbasin, and did not prevent the IWA or Bands from voluntarily participating in the development of the GSP. The opposite is true as Sub-Exhibit D demonstrates. Administration and implementation of the GSP will begin upon adoption of the document, and the Bands and SLRIWA will continue to be invited to participate, in a voting or non-voting capacity (depending on SLRIWA's preference) in PVGSA governance going forward.
			6	F. The Purported GSA also violated Water Code section 10720.3(d) by refusing to fairly and seriously consider how the Bands' federally reserved water rights could, should, or might be respected in full in the management of an Upper Basin GSP.	For the reasons explained in responses to comments I.C and I.D, the PVGSA did not fail to fairly or seriously consider how the Bands' federally reserved water rights could, should, or might be respected in full in the development and implementation of the GSP. As explained in those responses, SGMA expressly provides that it does not determine or alter water rights, and that federally reserved water rights shall be respected in full in the management of a groundwater basin. Neither the State nor the PVGSA have authority under SGMA to determine or alter what the Bands' federally reserved water rights are in the development of the GSP. Because the GSP does not purport to determine or alter the federally reserved water rights claimed by the Bands, and does not impair the current or future exercise of any such rights, the GSP is consistent with the policy of SGMA that federally reserved rights be respected in full with respect to the management of the Subbasin.

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			7	G. The Draft GSP mistakenly states (on page 1-3, Section 1.3.3.1) that the Bands’ federally reserved water rights “are ... not a right that a federal or tribal entity can claim without going to court in an appropriate adjudication.” To the contrary, SGMA expressly states in Water Code section 10720.3(d) that federally reserved rights to groundwater “shall be respected in full” in the management of groundwater basins by a groundwater sustainability agency or by the State Board. Since the Purported GSA has excluded the Bands and their reservations from the Upper Basin GSA and GSP, the State Board must carry out SGMA’s directive to “respect [the Bands’ federally reserved water rights] in full.” Nothing in SGMA or in any other state or federal law prohibits the State Board from fulfilling that statutory responsibility.	For the reasons explained in responses to comments I.C, I.D, and I.F, the PVGSA did not exclude the IWA or Bands from participating in the GSP development process, and neither the PVGSA nor the SWRCB have authority to manage the Bands’ federally reserved rights under SGMA. As explained in those comments, SGMA expressly provides that it does not determine or alter water rights, and that federally reserved water rights shall be respected in full in the management of a groundwater basin. Neither the State nor the PVGSA have authority under SGMA to determine or alter what the Bands’ federally reserved water rights may be during the development and implementation of the GSP because the GSP does not purport to determine or alter the federally reserved water rights claimed by the Bands and does not impair the current or future exercise of any such rights, the GSP is consistent with the policy of SGMA that federally reserved rights be respected in full with respect to the management of the Subbasin. Accordingly, it is unnecessary for the State to assume management oversight of the Subbasin, and this is true even if SGMA provided that alleged failure to adjudicate claimed federal reserved water rights in a GSP was a proper basis for declaring a basin probationary (which it does not). In order to avoid confusion about the relationship between the Bands’ federally reserved rights and the impact, or lack thereof, of the GSP on such rights, we have revised section 1.3.3.1 of the Draft GSP to read as follows: <i>The PVGSA and its members agree that federally reserved water rights (FRWRs) must be respected in full under SGMA. The federally recognized tribes within the Pauma Valley watershed assert that they possess FRWRs held in trust by the United States, including to unquantified amounts of groundwater appurtenant to their respective reservations. The PVGSA is committed to accommodating, to the extent permitted by law, the current or future exercise of any such adjudicated FRWRs for use on tribal reservation lands.</i>
			8	H. The Draft GSP also misleadingly and incorrectly asserts (in Section 1.3.3.1) that no federally reserved water rights adjudicated to the SLRIWA or its members have been placed into trust by the United States. Section 3605 of the WINN Act of December 16, 2016, amends the San Luis Rey Indian Water Rights Settlement Act and states: “Notwithstanding any other provision of law, including provisions of this Act, the [San Luis Rey] Bands had, have, and continue to possess federally reserved rights and other rights held in trust by the United States.” Those federally reserved rights of the Bands are described in the settlement documents negotiated among and signed by the United States, the San Luis Rey Indian Water Authority, the five Bands, the City of Escondido, and the Vista Irrigation District.	The IWA and Bands comment that the Bands possess federally reserved water rights held in trust by the United States. The PVGSA understands the IWA and Bands’ comment to suggest that the Bands’ federally reserved water rights that were settled by the San Luis Rey Indian Water Rights Settlement Act and described in the settlement documents related thereto and the WIIN Act of 2016 are already held in trust by the United States. It is beyond the scope of the preparation of the GSP to determine the validity or application of asserted federal reserved water rights. However, as noted above, the PVGSA will not seek to interfere with or otherwise regulate tribal use of water on reservation lands within the Subbasin, and the language proposed in response to comment G, above, which will replace the language in section 1.3.3.1 of the Draft GSP, will accommodate the SLRIWA and Bands’ comment.

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			9	<p>II. THE BANDS' FEDERALLY RESERVED AND OTHER WATER RIGHTS</p> <p>A. In the 1980s the United States Department of Justice entered into a contract with Boyle Engineering Company (Boyle) to undertake a study of the Bands' federally reserved water rights for use in the then pending litigation in the United States District Court for the Southern District of California, Nos. 69-217-S, 72-271-S and 72-276-S and before the Federal Power Commission, (which subsequently became the Federal Energy Regulatory Commission), Project Nos. 176 and 599, Docket Nos. E-7562 and 7655. Boyle subcontracted some of the work under that contract to Stetson Engineers.</p>	<p>Comments 9-14 are noted. The PVGSA appreciates the additional information supplied by the SLRIWA and Bands with respect to the Boyle/Stetson report and its findings regarding the Bands' asserted federally reserved water rights. With respect to the IWA and Bands' comment that the GSP should approximate potential groundwater production on undeveloped lands owned by the Bands, which in some instances have been placed into trust, such approximation would not serve the purpose of calculating actual water use in the Subbasin for purposes of developing a future water budget and would also be inconsistent with SGMA's mandate that it does not determine water rights. The purpose of estimating groundwater production in the Subbasin is to identify the amount of water actually being used so as to develop a current water budget for the Subbasin. DWR GSP Regulations, § 354.18(c)(1) ("Current water budget information shall quantify current inflow and outflows for the basin using the most recent hydrology, water supply, water demand and land use information"). Pumping for tribal lands, including casino use, was estimated based on available reports and land use. Additional discussion was added to Section 3.3.5.3.1 in the GSP.</p> <p>The GSP's projected water budget discussion and analysis complies with the requirements of DWR GSP Regulations, § 354.18(3). The GSP utilizes the most recent land use, evapotranspiration, and crop coefficient information as the baseline condition for estimating future water demand. Based upon the information available to the GSA, the GSP projects future water budgets, through water modeling runs and otherwise, and applies projected changes in land use planning, population growth and climate change. The GSP also expressly recognizes that projected land use planning changes and projected future water demand by the Bands constitutes a data gap, as information about that subject has not been provided by SLRIWA, notwithstanding multiple unsuccessful efforts to obtain data from SLRIWA and its members. As a result, with respect to developing a future water budget, the GSA determined that it would be speculative given the current information available or made available to the GSA, to assume that undeveloped land owned by the Bands will be irrigated or used in particular volumes different that current estimated volumes, at any particular time in the future. The GSA also determined that it would also be speculative to calculate hypothetical groundwater production amounts on undeveloped tribally owned lands and would result in an inaccurate determination of the projected water budget for the Subbasin. Thus, consistent with the manner in which DWR has evaluated and approved analysis of unquantified federally reserved water rights and unknown land use changes on tribal lands in other basins, the GSP correctly utilizes the information in the hands of the GSA in determining a projected future water budget. (<a href="https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Alternatives/Files/ExistingPlans/Indio/03_Indio_Staff_Report.pdf">https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Alternatives/Files/ExistingPlans/Indio/03_Indio_Staff_Report.pdf</a>, page 2.)</p> <p>In addition, the GSP cannot operate to determine or quantify water rights under state or federal law because SGMA expressly prohibits the determination or alteration of water rights by a GSA, particularly before a GSP is adopted. Estimating potential groundwater production on undeveloped tribally owned lands could also be viewed as a proxy for determining or quantifying the amount of water legally available under any of the Bands' water rights under state or federal law. The PVGSA has no authority to determine or quantify any such rights, and thus the GSP cannot do so.</p>
			10	B. The Boyle/Stetson Report (attached as Exhibit A to these comments) was completed in November of 1984. The Report reached the following conclusions regarding the net practicably irrigable acreage within the 1984 boundaries of the La Jolla, Rincon, San Pasqual, Pauma, and Pala Reservations, and the average annual diversion requirements needed to serve that land <i>[see table in comment letter]</i>	
			11	C. The La Jolla, San Pasqual, Rincon, Pauma and Pala Bands have acquired large amounts of land since 1984, and a significant amount of that land has been taken into trust and added to the reservations that existed in 1984. The maps attached to this document (see Exhibit B) include land that has been added to the five reservations since 1984 and also show the land that has been acquired by the Bands but not yet added to their reservations.	
			12	D. In addition to their federally reserved rights, the Bands own additional water rights under state law by virtue of their acquisitions that has not yet been added to their reservations.	

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			13	E. A general stream adjudication is not needed to consider or assess the amount and priority of the Bands' federally reserved water rights. The Boyle/Stetson Report evaluates the suitability and feasibility of irrigated agricultural production on the five reservations. The evaluation considered factors affecting crop suitability including climate, irrigation water, soil physical/chemical properties, and the capital and operation costs of supplying water for investigation. The land found to be irrigable on the reservations in the Basin are similar to lands in agricultural production throughout the Basin, which can be observed on the land in the Basin adjacent to the reservations which have agricultural operations right up to the reservation boundaries. The approach used to estimate groundwater production in the Basin for the GSP included use of crop water use factors applied to irrigated land areas to determine the annual groundwater production. This approach could have been applied to the underdeveloped land on the reservations in the Basin to approximate the Bands' federally reserved water rights. Under the Waters Doctrine, the priority of the Bands' federally reserved water rights is based on the dates the reservations were established and when their additional acquired land was added to the reservations. Most of the land within the La Jolla, Rincon, San Pasqual, Pauma and Pala Reservations was set aside or added to the reservations decades before most of the land outside of the reservations within the Upper Basin was initially irrigated. The priority of most of the Bands' federally reserved water rights therefore is prior and paramount to the water rights of most of the privately owned land in the Upper Basin. Those rights can be "respected in full" as provided in SGMA without the huge amounts of time and money associated with litigation and general stream adjudications, which are clearly disfavored under SGMA.	See response above.
			14	DRAFT UPPER SLR BASIN GSP: SPECIFIC COMMENTS Page 2-1: The GSP discusses the Basin boundaries as well as the division of the Upper SLR Valley Basin into the Pala and Pauma subbasins. Comment: The nature of the hydraulic connection between the Pala and Pauma subbasins is briefly mentioned on page 3-8, but the GSP should further discuss the interconnected nature of the Pala and Pauma subbasins and specifically how these subbasins interact. The interaction between these subbasins may not be reflected in the current and projected water budgets (pages 3-29 & 3-30), which appear to indicate that the Upper Basin as a whole is in stable condition in terms of changes in groundwater storage.	Additional data are needed to develop understanding of interconnectivity of the Subbasins. Per SGMA requirements, the GSP considers the entire USLR Subbasin area in the development of groundwater budgets.
			15	Page 2-2: Local water agencies and other related agencies overlying the Upper Basin are listed on this page. The fact that Mootamai MWD serves to protect groundwater rights is briefly mentioned. Comment: Several of the water agencies listed on this page (including Pauma Municipal Water District and San Luis Rey Municipal Water District) are not authorized to provide potable or untreated water service and do not own or operate water-related infrastructure in the Basin. Landowners within these agencies' jurisdictions rely on private wells for their water supplies, and these agencies function primarily to fund and coordinate activities related to protection of water and water storage rights for these landowners. The GSP should state the aforementioned in this section.	Note was added. SGMA provides that "local agencies" are qualified to become GSA's. Water Code, section 10723(a). Local agencies include local public agencies with water supply or water management responsibilities. Water Code, section 10721(n). Municipal water districts certainly have such statutory authority. Water Code, section 71590 et seq. Additional discussion on local agencies is provided in the response to SLRIWA Comment 2 above.
			16	Pages 2-2, 2-4, etc.: Some sentences throughout the GSP refer to the "San Diego Water Authority" instead of the "San Diego County Water Authority." Examples of this instance occur on Page 2-2 and Page 2-4. Comment: The GSP should fix this error and make consistent reference to the "San Diego County Water Authority."	References were corrected.
			17	Page 2-3: General land use characteristics in the Upper Basin are described on this page, and a Figure 2-5 showing 2017 land use data obtained from the "Southern California Association of Governments (SCAG)" is referenced. However, Figure 2-5 provides a footnote stating that data used for generation of the map was obtained from the San Diego Association of Governments (SANDAG). Comment: SCAG is NOT the regional planning agency for San Diego County, which has its own regional planning agency in the San Diego Association of Governments (SANDAG). The GSP should state this.	Note was added in Section 2.1.1.
			18	Page 2-3: General land use characteristics are discussed, and Figure 2-5 showing 2017 land use for the Basin is referenced. Comment: Figure 2-5 shows that the La Jolla, Rincon, Pauma, and Pala Reservations cover a significant portion of the Basin. The Plan Area section should state that the Bands' reservations and fee lands cover 38% of the Basin.	Figure 2-4 shows the extent of the basin these tribal areas cover.
			19	Page 2-4: Water source types, including groundwater, and water use sectors are described in this section. Comment: Pursuant to CWC 10727.2(e), GSPs must provide a summary of monitoring wells within the Basin as well as related well information such as well depth, screened intervals, location, etc. This section would also benefit from a write-up of the process to obtain an inventory (i.e. location, installation dates, capacity, etc.) of other wells in the Basin (including production wells), if one was performed. The write-up would also discuss how the inventory was used for the purpose of verifying locations of groundwater extractions in the model.	Additional discussion was added to Section 5.3.1. As noted in the text, data were limited and it is anticipated that understanding of pumping and wells in the basin will continue to be refined through additional data collection and a well inventory/metering program.

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			20	Page 2-6: The GSP states that while local districts have generally maintained monitoring records within their respective service areas, there is currently no unified monitoring plan in the Upper Basin. Comment: The GSP should state whether and to what extent the monitoring data obtained from these local districts was validated, verified, or cross-referenced before use in the model.	Additional discussion was added to Section 3.3.4.1. Information received from various entities was reviewed to identify any anomalies. Some data sets were not used due to uncertainty.
			21	Pages 2-6 & 2-7: "The PVGSA has requested groundwater level monitoring data and pumping data from the SLRIWA, but to date SLRIWA has been unwilling to share such data with PVGSA." Comment: This statement should either be deleted or revised to include all Basin Stakeholders that were contacted for data, as described on page 3-13, but did not provide such data.	Text was edited.
			22	Pages 2-6 & 2-7: Existing monitoring programs for groundwater levels, groundwater production, and groundwater quality are presented on these pages. Comment: The GSP should present the groundwater level, production, and quality data that was obtained from the local districts and from the various state databases. The data should be presented to show monitoring site locations, results, monitoring frequencies, etc.	Groundwater levels, production information, water quality, and other hydrologic information is presented in Sections 3.3.4 and 3.3.5.
			23	Page 2-10: The development of the San Diego Integrated Regional Water Management (IWRM) Plan is discussed on this page. Comment: The GSP should describe the steps that the PVGSA and its member agencies have taken to meet the San Diego IRWM objectives, as well as how the findings of the GSP adhere to those objectives. The GSP should also state whether the PVGSA or any of its member agencies have served and/or will serve on the San Diego IRWM RAC.	Continued collaboration with the County is listed in Section 6.3.1 as a Tier 1 management action. The General Manager of YMWD serves an advisory role (non-voting) on the RAC. Many of the goals of SGMA and the GSP align with goals of the IWRMP, including stakeholder outreach, sustainable groundwater management, ongoing data collection and analysis to improve understanding of basin conditions, increasing water supplies as necessary and feasible, and avoiding undesirable results to ensure beneficial use.
			24	Pages 2-14 & 3-34: The GSP states that increased demand for imported water, and potential interruption of the imported supply, will place higher demand on groundwater. Page 3-34 discusses how water levels in the Pala and Pauma Subbasins have recently stabilized and began showing recovery due to the use of imported water to augment groundwater supplies. Comment: According to Section 2.3.2 of the GSP, the Pauma Valley GSA expects that local groundwater will play a key role in creating a cost-effective and reliable water supply in the Basin due to anticipated impacts to imported water supply reliability including competition for imported water supplies, regulatory changes, and drought conditions. All imported water supplies in the Basin are provided by the County Water Authority via the Metropolitan Water District of Southern California, so the Basin's imported water supply is subject to supply allocation reductions in dry years. The GSP should mention this and further address how future imported water supply availability would further strain local groundwater supplies, particularly in the projected water budget.	Additional discussion regarding imported water reliability was added to Section 3.3.5.8.2
			25	Page 2-17: The GSA's communication activities related to development of the GSP are described. Comment: The GSP should indicate which stakeholders and members of the public, including any private domestic well owners and members of Disadvantaged Communities (DACs), participated in or responded to any of the outreach activities described. The Stakeholders List developed by the GSA should be provided. The meeting minutes and electronic meeting recordings, if available, of the meetings mentioned in the GSP should be provided on the GSA's website. The comments, responses, questions, or communications from any member of the public or stakeholders should also be provided on the website. Additionally, a Public Involvement Plan (PIP) is attached as Appendix 2A to the GSP. Page 7 of the PIP outlines the various metrics that will be used to evaluate the effectiveness of public engagement, and a list of questions to consider for evaluation of the community involvement process is also included. The SLRIWA poses the following questions to the PVGSA and suggests that these questions be addressed in full throughout the GSP: • What feedback and comments were received from key stakeholders, and were these comments addressed by the PVGSA? • Were stakeholders properly reached, and were stakeholders generally satisfied with the community involvement process?	The stakeholder list developed by the GSA contains information of private individuals that the GSA did not obtain permission to share. Meeting minutes and supporting materials are available on the GSP website at: <a href="https://www.yuimamwd.com/newdev/65-services/143-gsp">https://www.yuimamwd.com/newdev/65-services/143-gsp</a> . Official comments and responses are provided in this appendix.
			26	Page 2-18: Relationships with State and Federal regulatory agencies related to development of the GSP is discussed on this page. Comment: The GSP should describe specific actions, if any, that were taken during GSP development to create/maintain working relationships with USGS, DWR, and CDPH/SWRCB-DDW. The description may include meeting dates, agendas, and topics; correspondence with staff; workshops; etc. The GSP should also describe the historic and potential future roles that these state and federal agencies may play during implementation of the GSP.	Interaction with these agencies was not explicitly required for the preparation of the GSP. However, databases and reports from multiple public agencies, including DWR, USGS, and CDFW, were used and are listed in the reference sections. In addition, a representative from DWR attended the GSA meetings and public outreach workshops.
			27	Page 3-15: "Therefore, following a period of decline averaging approximately 1 to 4 ft/yr over the last 30 years ..." Comment: The GSP should discuss the significance of long-term declining groundwater levels in the Basin resulting in current groundwater levels in the Pauma Subbasin being 50 to 100 feet lower than they were in 1991, which was the height of the 1987-1992 drought.	This is beyond the scope of the GSP. It is not required to address past declines, only to ensure sustainability going forward.

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			28	Page 3-16: "... Groundwater storage in the USLR Valley Groundwater Subbasin in 1991 is estimated to be approximately 184,000 acre-ft while current groundwater in storage is approximately 124,000 acreft." Comment: The GSP should discuss the significance of the loss of 33% of the groundwater that was in storage between 1991, which was the height of the 1987-92 drought, and 2020.	See response to Comment 27 above.
			29	Page 3-16: Section 3.3.4.3 describes current and historical groundwater quality conditions and states that the common sources of anthropogenic contamination include leaking underground fuel tanks, sewer and septic systems, agricultural applications, and facilities with excess animal waste. Comment: The GSP should analyze the past and potential future impacts of salt loading on the Upper Basin due to fertilizers and other soil amendments that are imported and utilized in the Basin by the agricultural community. The GSP should also analyze these impacts due to the use of imported water supplies within the Basin. As part of its projects and management actions, the GSP may recommend that a Salt and Nutrient Management Plan (SNMP) be performed to evaluate the quantities of imported water, fertilizer, and other soil amendments that are imported and utilized in the Basin. The SNMP would include a mass balance analysis of potential contaminants (such as salts and nitrates) from these sources, and the findings of the SNMP can be used in conjunction with future transport modeling.	SNMP is not part of the scope of this GSP, nor does it need to be recommended unless recycled water projects become part of proposed future projects for sustainability. A mass balance to assess salt loads may be recommended in the future once additional data and water quality trends are assessed.
			30	Page 3-29: "As discussed in the Plan Area section (Section 2.3), land use in the USLR Valley Groundwater Subbasin is not anticipated to change much. ... Therefore, the project water budget was evaluated using the average pumping and associated return flows from the past five years (2016 through 2020) ..." Comment A: Figure 2.7 shows that the Bands' Reservations cover a significant portion of the Basin and shows their future land use as vacant or undeveloped. The GSP should describe how the Basin will be managed considering that the Bands have the right to exercise their Federally Reserved Water Rights and that water use on the reservations could increase over the GSP's 60-year planning period. Comment B: The GSP fails to recognize that due to the significant loss of groundwater in storage over the last 30 years, long term declining water levels, which recently reached historical low levels, and given that imported water in the Basin costs significantly more than pumping groundwater, it is likely the increase in imported water use and decrease in groundwater pumping is because wells in the Pauma Subbasin cannot produce enough water to meet the demands currently being met by imported water. As a result, the current and projected water budgets and current sustainable yield presented in the GSP are overestimated and should be re-evaluated.	Refer to responses concerning FRWR from IWA General Comment above. In addition, a December 2021 letter in the record explains that DWR review of Indio Basin Alternative shows speculation as to federal reserved water rights is not legally required to meet DWR SGMA requirements.
			31	Pages 3-29 & 3-30: The projected Basin water budget is described on these pages and on Table 3-6. The projected water budget was developed using average hydrologic conditions based on historic precipitation and average pumping and associated return flows from 2016 through 2020. That is, the projected water budget, which shows a change in groundwater storage of approximately -109 acre-feet per year, was developed using "a continuation of current water use practices in the Basin for the next 60 years..." Comment: As stated in the previous comment, the projected water budget does not account for the fact that imported water use in the Basin has increased significantly in recent years, and the resultant change in groundwater storage is artificially supported by a reliance on imported water. The projected water budget assumes that the imported water use trends of the last five years can be replicated for the next 60 years. Again, the GSP should re-evaluate the projected water budget, particularly to reflect actual trends in imported water supply reliability.	Imported water use and its beneficial effect on sustainable yield (which includes natural and supplemental sources) is discussed in Section 3.3.5.8. Use of imported water in the water budget is appropriate. However, discussion was also added regarding the reliability of imported water supply in the future in Section 3.3.5.8.2. It is also important to note that the planning and implementation horizon under SGMA is 50 years. Water Code, section 10721(r).
			32	Page 4-2: The GSP's sustainability goal will be accomplished in part by operating the Upper Basin groundwater resources "within the sustainable yield." Comment: Operating the Basin "within the sustainable yield" may result in an increased reliance on imported water supplies for either recharge or direct use, and therefore, salt loading rates in the Basin may be impacted. See prior comment on page 3-16.	Water quality monitoring, including for TDS, is part of the monitoring program outlined by the GSP and will be conducted to aid ongoing management of groundwater basin. If necessary, one or several of the potential management projects could be implemented to provide supplemental supply and help mitigate water quality effects from imported water use, if and when that becomes a concern.

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			33	<p>Pages 4-2 &amp; 4-4: Page 4-2 indicates that the representative monitoring sites for the SMC were selected to represent the pumpers “that have responded to the call to participate in the GSP.” The sustainable management criteria (SMC) for this GSP are summarized on Table 4-1 on Page 4-4.</p> <p>Comment: The GSP mentions on Page 4-9 that minimum thresholds for groundwater levels were selected by individual pumpers who have elected to participate in the GSP process. The GSP should also state how minimum thresholds and measurable objectives were determined for the other sustainability indicators, particularly for water quality. The GSP should identify who participated in the development of SMC for the other sustainability indicators and explain how the selected SMC consider all Basin beneficial uses/users (if at all) and not just those of the pumpers who have elected to participate in the GSP process. It is unclear whether the pumpers who have elected to participate in the GSP process fully represent all Basin beneficial uses/users, particularly DACs, private domestic well owners, and the SLRIWA member tribes.</p> <p>Section 3.3.4.3 (current water quality conditions) states that “ambient concentrations in the [Basin] were not able to be determined” because of a lack of available water quality data in the Pala Subbasin, yet SMC for groundwater quality were determined. The SMC overall seem to allow for general degradation of the Basin. Specifically, the GSP indicates that the overall ambient water quality meets the Basin Plan objectives for TDS and nitrate, but the minimum thresholds allow for ambient water quality to degrade to those concentration levels established in the Basin Plan. The GSP does not adequately consider whether the defined SMC for water quality may cause impacts to current and potential future beneficial users within the Basin. This comment is reinforced by the statement on page 4-8 that “the GSA is not responsible for local problems or [water quality] degradation caused by others”, as that statement contradicts the purpose of SGMA. The same can be said regarding SMC for groundwater levels.</p> <p>Additionally, according to Table 4-1, undesirable results for groundwater quality are defined as TDS and Nitrate concentrations “below the Basin Objectives (800 mg/L for TDS, 45 mg/L for Nitrate as NO3). This statement should be clarified to read that the undesirable result occurs when TDS and Nitrate concentrations exceed these Basin Objectives.</p>	<p>As described in Section 4.1.1, additional RMSs need to be added to assess SMCs at shallow, domestic wells and wells in data gap areas (including reservation lands). The water quality monitoring program/network will also be revised as needed to provide adequate monitoring in these locations to protect against undesirable results. Clarification was added to Section 4.3.3.</p> <p>Table 4-1 was corrected.</p>
			34	<p>Page 4-6: Section 4.3.1.1 states that “groundwater levels in wells have declined to elevations below the top of well screens of some basin pumpers but, for the most part, have not resulted in the inability to run the wells.” The potential effects to Basin beneficial uses and users caused by undesirable results related to the chronic lowering of groundwater levels are further discussed in Section 4.3.1.2.</p> <p>Comment: Both Yuima MWD and Lazy H Mutual Water Company have experienced well impacts and/or well equipment damage due to declining groundwater levels. The GSP should discuss the incidence of Yuima MWD well impacts and equipment damage due to declining groundwater levels. The GSP should also state that some local water agencies (such as Lazy H Mutual Water Company) have been prompted to increase their purchase of imported water supplies from Yuima MWD due to well failures caused by declining groundwater levels.</p>	<p>The SMCs were developed and approved by GSA members and other participating stakeholders, including representatives of Lazy H. As additional information is collected, SMCs may be revised.</p>
			35	<p>Page 4-6 “It is acknowledged current sustainability criteria may not be protective of all domestic wells in the basin for which information is largely unavailable.”</p> <p>Comment: The GSP does not contain any technical information on private domestic wells or DACs and correctly states the proposed sustainability criteria are not protective of private domestic wells. The failure to include potential impacts, both during the recent period of historically low groundwater levels and in the future, on private domestic wells and DACs in any of the analysis performed to develop the GSP undermines the conclusions presented regarding the lack of historical undesirable impacts having occurred in the Basin and, as a result, the GSP does not meet the requirements of the Sustainable Groundwater Management Act to protect beneficial users and uses of groundwater. The GSP should be revised to adequately address private domestic wells and DACs.</p>	<p>The GSP recognizes that SMCs <b>may</b> need to be refined to be protective of domestic well users. However, more information is needed to understand how and if SMCs should be revised.</p>
			36	<p>Page 4-8: Section 4.3.3.1 describes the potential causes of undesirable results related to degradation of water quality. The section states that maximizing recharge from natural precipitation may provide the best means of mitigating undesirable results related to degraded water quality.</p> <p>Comment: This sentence, and any related assertions, should be removed from this section and from the GSP altogether. This sentence does not contribute to the purpose of this section, which is to describe potential causes of undesirable results related to water quality. Additionally, the Pauma Valley GSA has not evaluated whether and to what extent enhanced stormwater recharge will mitigate the degradation of water quality. Section 2.1.1 states that the majority of the Upper Basin land uses consist of irrigated agriculture/parks/golf (52% of Pauma Basin and 38% of Pala Basin) and open space/water (27% of Pauma Basin and 42% of Pala Basin). Since these land uses consist of primarily undeveloped land, there may be limited opportunity to increase/enhance stormwater recharge from existing conditions.</p>	<p>We respectfully disagree. There is precedence of other stormwater capture/recharge projects being used throughout southern California to increase recharge. Water quality benefits from these efforts are also widely reported. Recharge projects have been identified as a potential management project in the USLR GSP. If and when these projects are pursued, a feasibility study will be completed as the first phase of implementation.</p>



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			37	Pages 6-2, 6-5, & 6-6: The Drought Response Conservation Program implemented by Yuima MWD is discussed as a current management action to delay or avoid implementation of measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency. Additional water conservation activities are proposed as a future Tier 1 management action promoting and incentivizing conservation and efficient use of water. Comment: In discussing this Tier 1 project/management action, the GSP should note that (per Section 2.1.2 on Page 2-3) only 2% of Yuima’s water supply is provided for residential purposes, so conservation efforts should be geared primarily towards existing agricultural practices with a smaller emphasis on domestic/municipal conservation. The GSP should also note in Section 2.1.2 whether the 2% residential use figure is applicable throughout the portions of the Basin outside of Yuima MWD’s jurisdiction.	Clarification on conservation was added in Section 6.3.1. Not enough usage information is available for other entities to determine past conservation efforts in the basin. However, discussions with agricultural stakeholders in the basin indicate that significant measures have been taken by land owners to reduce/optimize their water use and further collection and review of data will be conducted during GSP implementation.
6	National Marine Fisheries Service	13-Jan-22	1	As explained more fully in the enclosure, the Draft GSP does not, but should, adequately address the recognized instream beneficial uses of the Upper San Luis Rey River Valley Groundwater Basin, as well as other GDE, potentially affected by the management of groundwater within the subject basin.	Verification of GDEs is listed as a data gap. It is intended that a field investigation be conducted to determine dependency of identified areas on groundwater. Additional monitoring locations and RMSs are needed, and SMCs related to GDEs will be refined as additional data become available. Responses to specific comments are provided below.
			2	Additionally, the Draft GSP should also recognize the important relationship between the extensive groundwater extractions and surface water impoundments and diversions and its potential adverse effects on the amount and extent of surface flows and other water dependent habitat features utilized by the federally endangered southern California steelhead ( <i>Oncorhynchus mykiss</i> ).	It is important to note that the main diversion of flow in the Upper San Luis Rey River occurs at the Escondido Canal, which captures releases from Henshaw Dam (owned and operated by Vista Irrigation District). These operations are outside the scope of the GSP as the PVGSA does not have control over these diversions. The plan was prepared based on historical operations.
			3	The revised Draft GSP should be re-circulated to give NMFS, and other interested parties, an opportunity to review the revisions before the Draft GSP is finalized.	Thank you for your suggestion. Any revisions to comments received on the administrative draft GSP are documented in this appendix. Given the additional data necessary to fully characterize groundwater/surface water conditions in the basin and refine estimates of sustainable yield and SMCs, many of the comments received by NMFS cannot be fully addressed until data gaps have been filled.
			4	Page 1-1 – 4. The Draft Plan acknowledges: “For groundwater basins designated as medium or high priority, SGMA requires . . . Groundwater Sustainability Plan (GSP) that considers the interests of all beneficial uses and users of the groundwater basin. p.1-1. However, the Draft Plan does not specifically identify instream recognized beneficial uses, and focuses primarily on out-of-stream consumptive beneficial uses. The Draft GSP should be revised to explicitly acknowledge the instream beneficial uses supported by the Basin, including the GDE affected by groundwater extraction from the Basin, including the lower San Luis Rey River and estuary. The recognized instream beneficial uses for the portion of the Upper San Luis Rey River Valley within the Basin include warm freshwater habitat, cold freshwater habitat, and wildlife habitat.4 We also note that the 1994 and 2021 update of the San Diego Water Quality Control Plan did not take into account the southern California Steelhead, whose range was extended from the Santa Monica Mountains south to the U.S. Mexico border in 2002 (67 FR 21568). The Draft GSP recognized only GDE associated with several vegetation types (principally riparian woodlands). This underrepresents the known function and value of the river reach within the Basin for adult and juvenile endangered southern California steelhead. Steelhead may use the entire reach of the San Luis Rey River within the Basin for completing their life-cycle. See Figures 1 and 2 for a depiction of the intrinsic potential steelhead habitat within the San Luis Rey River watershed, including the Upper San Luis Rey Valley. See also the additional comments below regarding the GDE areas identified in the Basin.	The Lower San Luis Rey Groundwater Basin and estuary are outside the scope of this GSP. Additional language regarding potential wildlife that rely on surface water was added per comments from TNC and CDFW (see responses to TNC Comment 18 and CDFW Comments 6 and 10 above). However, additional data collection is needed to understand if and how basin management might affect instream uses. The GSA intends to consider revising RMSs and SMCs as needed to protect confirmed GDEs and ISWs.
			5	Section 2.3 General Plan and Related Land Use Planning Pages 2-13 – 15. The Draft GSP should also include a discussion of NMFS’ Southern California Steelhead Recovery Plan (2012), which is relevant because it identifies essential actions for the recovery of this species that pertain to existing land-use and water management policies and practices. See comments above regarding the relevant policies from NMFS’ Southern California Steelhead Recovery Plan.	It is important to note that recovery plans do not have the force of law. In addition, no critical habitat for steelhead has been designated in the USLR Valley Groundwater Subbasin. Verification of the presence of steelhead in the subbasin would be needed before evaluating potential conservation/recovery efforts.
			6	Page 2-18. The Draft GSP only notes that: “The USLRRCD [Upper San Luis Rey River Resource Conservation District] has several conservation easements for Arroyo Toads in the USLR Valley Groundwater Subbasin, but these habitat areas are primarily dependent on seasonal surface water and the vernal pools created after storm events.” p. 2-18. There are additional GDE within the Basin not addressed in the Draft GSP. See additional comments below under Section 3.3.3.4, “Interconnected Surface Water Systems and Groundwater Dependent Ecosystems”.	Additional discussion was added to Section 3.3.4.5. Per TNC recommendation, areas identified in the GSP are being retained as potential GDEs until additional information is collected to confirm/refine understanding of groundwater dependency.

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			7	Pages 3-1 – 26. The San Luis Rey River watershed encompasses a system of connected groundwater and surface water that may become disconnected when groundwater levels are very low during drought and heavy groundwater extractions (or surface diversions). The SGMA regulations define interconnected surface water as “surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water . . .” (23 CCR Section 351(0)). Significantly, “continuous” refers specifically to hydrologic connection, not a continuous temporal connection. In effect, an intermittent drying condition does not preclude a reach of stream or river from being considered as an interconnected surface water.	Additional discussion was added on interconnected surface water (Section 3.3.4.4).
			8	The Draft GSP does not adequately recognize the potential role of groundwater in the Basin, including the lower San Luis Rey River and estuary, for ensuring suitable aquatic habitat to supporting different life-history phases of steelhead, or other aquatic species. Further, groundwater-management activities within the San Luis Rey River watershed involve the Vista Irrigation District’s water impoundment at Henshaw Dam and the downstream Escondido Diversion operations on the mainstem of the San Luis Rey River. The relationship between these impoundment and diversion activities and groundwater extraction along the affected reaches of the San Luis Rey River (including tributaries and the estuary) should be addressed in the revised Draft GSP.	Surface water diversions by Vista Irrigation District are made to recover releases from Lake Henshaw which is located upgradient of the Upper San Luis Rey Valley Groundwater Basin. These operations are not within the jurisdiction of the PVGSA.
			9	Pages 3-20 – 21. The Draft GSP does not accurately characterize sensitive fish and wildlife species known to occur in the Upper San Luis Rey River.	A list of species was added to Section 3.3.4.5 per comments from TNC and CDFW (see responses to TNC Comment 18 and CDFW Comments 6 and 10 above).
			10	The Draft GSP asserts that: “The California Department of Fish and Game reported that riparian vegetation adjacent to the river may have historically supported large populations of wildlife, but no records of fish and wildlife existing in the river prior to construction of Henshaw Dam (in 1922) were found in the Department of Fish and Game files (Case Study Report #76).” p. 0-13. Additionally, the Draft GSP asserts that: “Since the construction of the [Henshaw] dam, flows between the dam and Escondido Canal are unlikely sufficient to support fishery habitat.” Neither of these characterizations of the fish and wildlife resources of the San Luis Rey river watershed is supported by reliable field studies (only a limited desktop search). Further, the general characterization ignores the potential for other types of aquatic species, including invertebrates, which are an important food source for fish, including steelhead, and amphibians. The identification and depiction of GDE should be based on both historic and contemporary field investigations employing standard surveying techniques for different types of aquatic and riparian species. See, for example, the CDFW’s O. mykiss survey for Pauma Creek (Barabe 2021), and the CDFW’s letter of January 6, 2022 to Amy Reeh for a description of the fish and wildlife species supported by the San Luis Rey River. Steelhead and native trout have been documented in the San Luis Rey River watershed and vicinity since at least the 1870s (Cooper 1874, Suckley 1874, Jordan and Gilbert 1880, 1881, Eigenmann 1890, Eigenmann and Eigenmann 1890); see, Swift et al. (1993), and Spence (2019) for a discussion of these early observations. In 1946, Hubbs reported native trout abundant in streams near Smith Mountain (now Palomar Mountain) and Pala Creek in the headwaters of the San Luis Rey watershed, and anglers reporting steelhead catches in the San Luis Rey River (Hubbs 1946).	Vegetation and ecosystem areas identified by the GSP are being retained as potential GDEs until groundwater dependency can be verified through additional investigation and data collection - this has been acknowledged as a data gap area. SMCs for GDEs and ISW will be revised as necessary based on findings of the additional data collection. Understanding of surface flow in the USLR is also a data gap, as there are no active streamflow gages in the basin and previous gages provide only limited data. The PVGSA plans to install streamflow gages in the basin to increase understanding of surface flow and interconnection with groundwater. One of the proposed locations is at the downstream boundary of the USLR Basin. This will allow the PVGSA to characterize outflow from the basin and be able to comment on base flow in the San Luis Rey River. However, it is important to note that GSPs are not responsible for addressing undesirable results, including potential adverse impacts to steelhead and other fish or aquatic species, that occurred before January 1, 2015. Water Code, section 10727.2(b)(4)

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			11	<p>In 2007, the CDFW personnel reported an adult steelhead in the lower section of the San Luis Rey River (Kajtaniak et al. 2007) documenting the continued use of the San Luis Rey River watershed by the federally listed endangered southern California steelhead. Additionally, two populations of rainbow trout (<i>Oncorhynchus mykiss</i>) - Pauma Creek and West Fork - persist within the San Luis Rey River watershed (Barabe 2019, 2020). Significantly, the population in the West Fork is one of the few remaining <i>O. mykiss</i> populations at the extreme southern end of California that contains significant native coastal steelhead ancestry (Abadia- Cardozo et al. 2016). All of these populations could be impacted by groundwater extraction, as well as related surface water impoundments and diversions from the San Luis Rey River watershed. Furthermore, the drawdown of groundwater may affect the retention of sufficient flows for fish movement between the tributaries and mainstem of the San Luis Rey River, as well as steelhead migration into and through the San Luis Rey River; for a detailed discussion of the San Luis Rey River watershed and its steelhead habitats, see, Kajtaniak and Downie (2010), also, Bottroff (N.d.), CDFW 1997.</p> <p>Regarding the use of the San Luis Rey River by the federally listed southern California steelhead, we would note that the NMFS' 2012 Southern California Steelhead Recovery Plan (NMFS 2012) identifies the San Luis Rey River as a Core 1 steelhead recovery population. Core 1 populations are assigned the highest priority for recovery actions based on a variety of factors, including: the intrinsic potential of the population in an unimpaired condition; the role of the population in meeting the spatial and/or redundancy viability criteria; the current condition of the populations; the severity of the threats facing the populations; the potential ecological or genetic diversity the watershed and population could provide to the species; and the capacity of the watershed and population to respond to the critical recovery actions needed to abate those threats (NMFS 2012; see also, attached San Luis Rey River Steelhead Watershed briefing memo, Capelli 2010).</p> <p>The GSP should be revised to recognize the role that groundwater plays in supporting base flows that support other GDE, including those used by steelhead.</p>	See response to Comment 10 above.
			12	<p>Pages 3-22 – 37.</p> <p>The SGMA regulations require that the historical surface water and groundwater budget be based on a minimum of 10 years of historical data. The Draft GSP notes that:</p> <p>“Land and water use will remain predominantly agricultural and projected residential increase are expected to have negligible effect on overall water demand. Therefore, the projected water budges was evaluated using the average pumping and associated return flows from the past 5 years (2016 through 2020, and average hydrological conditions using historical precipitation from 1991 through 2020, repeated twice to provide a 60-year projection” p. 3-29.</p> <p>This time-period encompasses an historic drought and its use as a baseline unavoidably skews the assessment of groundwater conditions to lower groundwater levels, and related characterization of GDE within the San Luis Rey River (Seager et al. 2015, Luo et al. 2017, Ulrich et al. 2018). If this time-period is used, it should therefore be accompanied by a discussion of the drought conditions and their effects on groundwater conditions, as well as GDE, including but not limited to steelhead spawning and rearing habitat, and other aquatic species dependent on interconnected surface water.</p>	While this time period does contain a significant drought, the average precipitation during this base line is approximately the same as the long-term average precipitation (24.8 inches baseline vs 24.3 inches historical at Henshaw Dam). Therefore, the baseline period used for the historical water budget period appropriately contains wet, dry, and average hydrologic conditions. Hydrologic conditions for this same base period were repeated twice for the evaluation of future groundwater budgets in order to obtain a 60-year projection, which meets SGMA requirements of 50 years. These hydrologic conditions (i.e., rainfall) were paired with current land use and estimated water demand to provide an indication of future groundwater conditions to inform groundwater management. Additional model runs can be made to incorporate refinements to the groundwater/surface water model in response to additional data collection and/or to evaluate impacts from proposed change of use or management projects.
			13	<p>Additionally, the Draft GSP does not refer to or account for the effects of the operation of the operation of the Henshaw Dam or the downstream Escondido Diversion on the upper San Luis Rey River. This storage and diversion operation affects recharge to the Basin, as well downstream groundwater basins of the San Luis Rey River. These operations have the potential to affect endangered adult and juvenile steelhead in the San Luis Rey River watershed and estuary (NMFS 2012).</p> <p>The Draft GSP should therefore include as part of its water-budget analysis the operations of the Henshaw dam and Escondido Diversion and their relation to the groundwater extraction program in the Basin. Specifically, the relationship of groundwater management activities (including both recharge and groundwater extraction activities) and the effects of the related Escondido Diversion on surface flows below the impoundment and diversion and the maintenance of surface flows supported by groundwater and related GDE, including steelhead spawning and rearing habitat, should be explicitly addressed in the revised Draft GSP.</p>	Effects from operation of Henshaw Dam are incorporated in the groundwater/surface water modeling in the form of reported diversions at the Escondido Canal. The dam has been in operation since 1922 so the entire calibration period is reflective of conditions under these operations. Furthermore, operation of the dam and diversion canal by VID occur upgradient of the groundwater basin and are not under the control of the PVGSA. Therefore, the USLR GSP has been developed with the understanding that Henshaw Dam diversions will continue to occur in the future. However, since the importance of natural recharge has been recognized, several management actions/projects that maximize stormwater recharge have been proposed and can be assessed and implemented by the PVGSA in the future to address and/or mitigate reductions in groundwater storage or increased water demand.

Administrative Draft GSP Written Comment and Response Matrix

Document	Commenter	Date Submitted	Comment Number	Comment	Response
			14	<p>The Draft GSP states that:                      “The result of the water balance analysis (from 1991 through 2020) indicates that the sustainable yield for the USLR Subbasin is approximately 12,700 acre-ft/yr.” p. 4-2.                      The Draft GSP further indicates that:                      “The sustainability goal for the USLR Subbasin is to manage and preserve its groundwater resource as a sustainable water supply.” (emphasis added) p.4-2                      This analysis and conclusion only addresses the out-of-stream, consumptive uses of the groundwater resources of the Basin, and does not explicitly take into account the instream beneficial uses or GDE of the San Luis Rey River, including the federally listed endangered southern California steelhead or other aquatic species.                      The Draft GSP does not adequately recognize the important relationship between groundwater levels and the surface flows (particularly base flows) or water quality parameters (such as water temperature, dissolved oxygen, etc.) that contribute to the maintenance of GDE within the Basin (including the lower San Luis Rey River and estuary). The revised Draft GSP should include a specific analysis that addresses these other instream beneficial uses and GDE.</p>	<p>The sustainable yield of the basin represents the amount of groundwater that can be pumped without causing a change in groundwater elevations in the basin. By operating within this value, the relationship between surface water and groundwater will also be maintained.</p>
			15	<p>Page 4-7 – 8.                      The Draft GSP recognizes that:                      “Degraded water quality can impair water supply and affect human health and the environment.” p. 4-7.                      However, the Draft GSP does not adequately recognize the important relationship between groundwater levels and the surface flows (particularly base flows) or water quality parameters (such as water temperature, dissolved oxygen, etc.) that contribute to the maintenance of GDE within the Basin (including the lower San Luis Rey River and the estuary).</p>	<p>As discussed previously, additional data are needed to assess seasonal characteristics, including water chemistry.</p>
			16	<p>While the Draft GSP recognizes potential significant and unreasonable effects from groundwater extractions, the minimum thresholds identified to address this is are based on historical low groundwater levels (2015) in the representative groundwater level monitoring wells. Using this standard, which includes significant periods of drought and unregulated groundwater extraction, is not likely to provide long-term protection for all the recognized beneficial uses of the Basin. Specifically, the exceedances caused by groundwater extraction and the related measurable objectives for groundwater storage do not adequately recognize the needs of the federally endangered southern California steelhead, or other GDE. The proposed standards appear principally aimed at seasonally refilling the Basin for the purposes of protecting existing groundwater extractions for traditional out-of-stream beneficial uses, and not for the protection of GDE.                      The revised Draft GSP should identify minimum thresholds that would effectively protect identified GDE, including potential steelhead rearing habitat within the San Luis Rey River watershed. See additional comments below under Section 4.5, “Measurable Objectives”.</p>	<p>As explained in the responses to comments by the Nature Conservancy et al. (Comments 9, 10, 15, and 17, among others), areas identified in the GSP will be retained as potential GDEs or ISWs until additional information can be collected to verify/revise understanding of dependency and/or interconnectivity. This understanding needs to be improved through additional data collection before meaningful SMCs can be developed. However, GSPs are not required to address undesirable results that occurred before, but were not corrected by, January 1, 2015. (Water Code, Section 10727.2(b)(4).)</p>
			17	<p>Pages 4-11 – 13.                      While groundwater levels are an important indicator of the general condition of the Basin, there are other more meaningful metrics specifically aimed at informing management of the Basin for the protection of instream beneficial uses associated with GDE (e.g., base flow rates, pool depth, stream width, depth across riffles, etc.). Specifically, the current approach is based on criteria that do not, but should, address whether there may be significant stream flow depletion or lowered water surface elevation (from a biological perspective) caused by groundwater pumping within the Basin.</p>	<p>Stream flow data in the basin are extremely limited and there were not adequate to characterize the relationship between pumping and streamflow. This has been identified as a data gap area and additional monitoring/data collection is planned. SMCs for GDEs and ISW will be revised, as necessary, based on additional data.</p>

Administrative Draft GSP Written Comment and Response Matrix

Document	Commenter	Date Submitted	Comment Number	Comment	Response
			18	<p>Page 5-1 – 2.</p> <p>The existing monitoring network is aimed primarily at addressing out-of-stream consumptive beneficial uses of groundwater within Basin.</p> <p>There is little in the monitoring program that specifically addresses the potential effects of groundwater extractions on GDE within the San Luis Rey River or estuary. This limited monitoring appears to reflect the lack of recognition of GDE within the Basin used by the endangered southern California steelhead or other aquatic species, that may be affected by groundwater extractions from the Basin. One of the most significant data gaps is the rate of surface flow under base-flow conditions, including diurnal changes in flow. Because of their relatively small size and dependence on hyporheic flows and groundwater levels, these flows should be measured in a way that records their seasonal and diurnal fluctuations, and should be a major focus of current and future modeling efforts.</p> <p>The groundwater-monitoring plan only expressly provides for annual monitoring. A more appropriate approach would be to monitor seasonally to account for the strong effect of seasonal changes in hydrologic and hydraulic conditions that are of significant to GDE, including, but not limited to, those associated with the Basin. For example, monitoring towards the end of summer or beginning of fall, as well as the beginning of spring each year would inform groundwater and other natural resource managers of the effects of both recharge (natural and artificial) as well as groundwater pumping patterns on GDE within the Basin.</p> <p>Finally, without shallow groundwater wells that would provide specific data on the relationship between groundwater levels and surface flows, a reliable assessment of the effects of extracting groundwater from these areas on GDE is not possible. This is a significant data gap that could be addressed by the installation of shallow groundwater wells (or piezometers) to better describe these relationships.</p> <p>In addition to the recommended changes to the monitoring network identified in the Draft GSP, the Draft GSP should incorporate the best available GDE-related monitoring techniques, e.g., the TNC’s shallow groundwater estimation tool (TNC 2021), the U.S. Geological Survey data on mapped springs/seeps (USGS 2019), and a comparison of recent groundwater level contours to vegetation root zones (2019) to support GDE such as riparian and instream vegetation associated with surface waters.</p>	<p>Monitoring near potential GDEs is recognized as a data gap area. Additional RMSs may need to be established following evaluation and verification of GDE areas. This may include installation of shallow wells and/or piezometers. The additional data collection is also very important for refining the groundwater and surface water model, especially if it is to be used to reliably evaluate effects on surface flow and site-specific groundwater elevations. This data collection includes refining the understanding of actual basin pumping, which represents an area where significant assumptions had to be made in lieu of actual pumping data.</p> <p>The monitoring plan outlines biannual sampling: spring and fall. Therefore, seasonal variation will be captured.</p>
			19	<p>Pages 6-1 – 11.</p> <p>None of the project and management action specifically deal with the protection of instream beneficial uses associated with the GDE of the Basin; the term steelhead or reference to any specific species of fish does not appear in this or any of the section of the Draft GSP. However, as noted above, the Basin contains interconnected surface water and GDE, including spawning and rearing habitat for the federally listed endangered southern California steelhead, as well as other aquatic species. See comments above, and Figures 1 and 2, regarding the extent of steelhead habitat within the San Luis Rey River watershed, including within the boundaries of the Basin.</p>	<p>The proposed management actions/projects were assembled to allow the PVGSA flexibility to respond to undesirable effects as they become concerns. This does not need to be limited to groundwater levels. Several of the projects involve increased recharge and stormwater capture. Increases in groundwater levels will benefit both groundwater and environmental beneficial users. Project operation and timing could also be evaluated to address specific concerns (e.g., surface water flow) as necessary.</p>
			20	<p>Page 7-1 -6.</p> <p>The Draft GSP describes the Plan Implementation as a: “conceptual road map to start implementing the GSP over the first five years”. p. 7-1.</p> <p>The Implementation Plan largely provides basic administrative guidance (e.g., projected costs, periodic 5-year evaluations, sustainability evaluation, largely expressed in groundwater elevations, periodic reconsideration of GSP elements, etc.). There are no specific provision for addressing on-going and projected adverse impacts on GDE stemming from groundwater extractions from the Basin, or the related water impoundments and diversions by the Vista Irrigation District facilities on the San Luis Rey River. This deficiency is rooted in the failure to adequately characterize GDE, including, but not limited to, potential steelhead spawning and rearing habitat as well as habitat for other aquatic species.</p>	<p>Since data availability is so limited in the basin, specifically with regards to surface flows and interconnected groundwater/surface water, and the PVGSA recognizes that basin understanding (including extent of GDEs, identification of ISW, estimates of sustainable yield, etc.) may change through the incorporation of additional data. Data collection and addressing data gaps has therefore been made a priority for the 5 years following GSP implementation. In addition, observed water levels in hydrographs throughout the basin indicate that the USLR groundwater basin is currently being managed within the sustainable yield (i.e., groundwater extractions do not exceed recharge). Therefore, groundwater management projects requiring significant infrastructure and/or permitting have been proposed for a later date, if needed, in order to evaluate the data and understand what project(s) would be most beneficial to basin users.</p>



Amy Reeh &lt;amy@yuimamwd.com&gt;

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**RE: April 5th Item 7B Comment**

1 message

**Simonds,Keene** <Keene.Simonds@sdcountry.ca.gov>

Fri, Apr 2, 2021 at 7:08 PM

To: Amy Reeh &lt;amy@yuimamwd.com&gt;

Cc: Andy Lyall &lt;awlyall@gmail.com&gt;, "Jungreis, Jeremy" &lt;JJungreis@rutan.com&gt;, Bobby Graziano &lt;gm.pvcasd@gmail.com&gt;

Hi Amy –

I just saw your letter and want to offer up a little more perspective on the staff recommendation because I think we are all on the same page on the big issues.

I understand the Pauma Valley Subbasin GSA position is Upper San Luis Rey RCD has both the power and authorization to be a member of the GSA under SGMA.

We are not saying otherwise.

We are saying so long as Upper San Luis Rey RCD's groundwater management activities are tied to the GSA we take no issue because we defer to the State on eligibility in SGMA (i.e. not our statute, not our problem...).

This is the cascading qualifier to our conclusion that Upper San Luis Rey RCD is out of compliance with LAFCO in providing groundwater management.

This landing spot only becomes an issue for Upper San Luis Rey RCD should the State tell the District is not qualified to be in a GSA or the District starts doing groundwater management beyond the GSA.

I hope this added clarification helps.

Keene

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**From:** Blom, Erica <Erica.Blom@sdcountry.ca.gov>**Sent:** Friday, April 02, 2021 4:25 PM**To:** Simonds,Keene <Keene.Simonds@sdcountry.ca.gov>**Cc:** Heckenkamp, Linda <Linda.Heckenkamp@sdcountry.ca.gov>; Ngu, Dieu <Dieu.Ngu@sdcountry.ca.gov>; Luckett, Tamaron <Tamaron.Luckett@sdcountry.ca.gov>**Subject:** Fw: April 5th Item 7B Comment

Hi Keene,

I am going to tell Amy that we will post online as supplemental correspondence and it will be passed onto our Commissioners.

Please confirm.

-EB

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**From:** Amy Reeh <[amy@yuimamwd.com](mailto:amy@yuimamwd.com)>  
**Sent:** Friday, April 2, 2021 4:12 PM  
**To:** Blom, Erica <[Erica.Blom@sdcountry.ca.gov](mailto:Erica.Blom@sdcountry.ca.gov)>  
**Subject:** April 5th Item 7B Comment

Hi Erica,

Please find the attached comment letter.

Sincerely,

**kindest Regards,**

Amy Reeh | General Manager | Yuima Municipal Water District

PO Box 177 | Pauma Valley, CA 92061 | O: 760-742-3704 | [amy@yuimamwd.com](mailto:amy@yuimamwd.com)

"Kindness is the language the deaf can hear and the blind can see." - Mark Twain





Board of Directors  
 Roland Simpson – President  
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 Laney Villalobos - Director  
 Bruce Knox - Director

January 28, 2021

Keene Simonds  
 Local Agency Formation Committee  
 9335 Hazard Way, Ste. 200  
 San Diego, CA 92123

Dear Mr. Simonds:

Thank you for providing the opportunity to comment on the draft municipal service review (“MSR”) for San Diego County Resource Conservation Districts (“RCDs”). Similar to the letter I submitted on January 14, 2021 to Ms. Kimberly Thorner, Chairperson of the LAFCO Special District Advisory Committee (attached hereto and incorporated by reference herein as Exhibit 1), this letter is also submitted on behalf of the three members of the Pauma Valley Groundwater Sustainability Agency (“PVGSA”) for which my agency, Yuima Municipal Water District (“Yuima”) serves as lead. This letter provides comments upon, and recommends changes to, the draft MSR (Item 6a) which will be considered for approval by the Commission at the February 1 board meeting. This letter also provides comments upon the thoughtful analysis of the Sustainable Groundwater Management Act contained in item 7b, while seeking to correct inaccurate information in the report regarding federal reserved water rights (“FRWR”).

I would again like to thank you and Linda Heckenkamp for the thoughtful effort to sort through the difficult and sometimes conflicting information pertaining to RCDs in San Diego County. We expect it was no easy task to ascertain which of the somewhat unique municipal services performed by RCDs are active, which are latent, and which are neither, for complex and wide-ranging agencies that have never before been the subject of a San Diego County LAFCO (“SD LAFCO”) MSR.<sup>1</sup>

### ***What this Dispute Is About***

As you are likely aware, certain vocal interests, most prominently the San Luis Rey Indian Water Authority (“USLRIWA”), have disputed whether the Upper San Luis Rey RCD (“USLRRCD”) exercises water management functions within its service area, and have raised this issue repeatedly during the MSR development process. Despite overwhelming evidence to the contrary—discussed in greater detail below and in the exhibits attached hereto and incorporated herein by reference—these interests contend that USLRRCD has no water management responsibilities within its service area.<sup>2</sup> They seek LAFCO’s assistance in their effort to have the State of California remove local control of groundwater resource management from San Diego County.<sup>3</sup> PVGSA urges

<sup>1</sup> Because there has never before been an MSR for the San Diego County MSRs, there is a strong argument that each RCD in San Diego County currently has all of the authorities, as active powers, that were granted to each RCD under the RCD Act (Public Resources Code [“PRC”] §§ 9151-9491), and specifically Chapter 9 of the RCD Act (PRC §§9401-9420.)

<sup>2</sup> In order to manage groundwater per SGMA, a “local agency”, such as an RCD, must have water supply, water management or land use responsibilities. (Water Code §§ 10721 (n), 10723(a).) SGMA requires that each medium or high priority basin or sub-basin be managed by one or more local agencies. A local agency can only manage groundwater within its jurisdictional boundaries, and the entire basin or sub-basin must be managed by one or more GSA eligible local agencies.

<sup>3</sup> Ironically, what SLRIWA seeks from LAFCO is the opposite of what the Sustainable Groundwater Management Act (“SGMA”) prescribes—groundwater management at the local level by local agencies with a stake in achieving sustainability in the aquifers these local agencies overlie. As recited in Exhibit 1, and in the comment letter that Yuima sent to SD LAFCO on December 18, 2020 (included in the agenda packet at pages 117-119), the members of the PVGSA earnestly desire to work with the USLRIWA and its members to collaboratively develop a groundwater sustainability plan (“GSP”) for the Upper San Luis Rey Sub-Basin that works for all interested stakeholders. PVGSA members have repeatedly

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LAFCO to reject this extra-legal approach by simply using the MSR process for what it was intended, the identification and cataloging of powers that local agencies currently and historically have performed within their service areas—ensuring that local communities receive adequate municipal services while preventing service overlap. It is the task of the State Water Resources Control Board (“SWRCB”), SGMA’s enforcement agency, and the courts, to determine which agencies are eligible to manage groundwater per SGMA. The SWRCB has already weighed in—as reflected in the two letters from the SRWCB found at pages 120-123 of the agenda packet for item 6a—opining that RCDs are SGMA “local agencies” because of broad authority for water management granted to RCDs under the RCD Act.

Notwithstanding the SRWCB’s prior opinions on this point, and because of the issues raised by SLRIWA, PVGSA conducted an extensive search of USLRRCD’s historic records. What emerged from that search is documentation of a local agency that is highly engaged in all of the activities, individually and in cooperation with the National Resources Conservation Service (“NRCS”), and other RCDs, for which it was granted authority under the RCD Act (highlighted portions of which are attached hereto and incorporated herein as Exhibit 2), nearly all of which pertain to water management within USLRRCD’s service area. Specifically, the historic documents and photographs attached hereto, and incorporated herein, respectively as Exhibits 3 and 4, clearly demonstrate that not only does USLRRCD extensively perform the water conservation and wildlife enhancement functions listed in Section 5.1, 6.0, and 6.1 of the draft MSR, but also actively performs, among other authorized powers, water management, runoff prevention and control, soil erosion management, agricultural enhancement, and erosion stabilization functions. Accordingly, for the reasons provided below, we ask that LAFCO please modify the current draft of the MSR to recognize as additional active powers, in addition to water conservation and wildlife enhancement, which are clearly established, the long standing and continuing actions of the USLRRCD—individually and in concert with NRCS, other RCDs, and the California Association of Resource Conservation Districts (“CARCD”)—to undertake “water management” activities. These water management activities, all of which are referenced in, and authorized by, the RCD Act,<sup>4</sup> include water quality improvement, watershed protection, riparian habitat maintenance and management to conserve riparian endangered species (Arroyo Toads), flood water management (see Ex. 4), prevention of soil erosion, and management of runoff to increase water supplies while reducing pollution, and a whole host of projects spanning decades where the primary purpose was to enhance agricultural opportunities for the farming public that USLRRCD serves.

### ***Water Conservation Responsibilities of USLRRCD***

USLRRCD’s efforts to undertake water (and soil) conservation projects within its service area date back to its inception in the 1940s. USLRRCD’s water conservation projects for which Yuima and USLRRCD have written records date back to at least the early 1990s when USLRCD and NRCS constructed a series of complex conservation and runoff management projects designed to control flooding, stabilize erosion, and prevent damage to agricultural lands, while simultaneously preventing pollution of ground and surface waters in the Upper San Luis Rey. (See Exhibit 4 for further descriptions and depictions of each project.) USLRRCD memorialized its long-standing partnership with NRCS in 1998 and 1999 by entering agreements to jointly perform water, soil and other natural resource conservation services within USLRRCD’s service area. (See Ex. 3, pp 1-6.) These agreements between USLRRCD and NRCS are binding obligations of both agencies, and they have

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invited Tribal members to participate in the GSP development process in whatever manner they feel comfortable, whether in a voting or non-voting capacity. To date, the SLRIWA has declined these repeated invitations, as well as an offer to engage in a facilitated process assisted by the California Department of Water Resources (“DWR”), instead engaging in a concerted lobbying campaign to have the Upper San Luis Rey Sub-Basin declared “probationary,” and local control removed to Sacramento.

<sup>4</sup> See PRC §§ 9415 (“The directors may manage . . . any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project, within or adjacent to the district.”); 9417.5 (authorizing “watershed protection, restoration, and enhancement programs” by resource conservation districts); 9419 (d) (“A district may sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration.”)

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produced decades of collaboration on a host of water conservation, runoff management, and water pollution reduction projects, a small sampling of which are described in Exhibit 3 and depicted in the photographs at Exhibit 4. USLRRCD and NRCS expanded their efforts to collaboratively develop and implement water, soil, and natural resource conservation projects in 2019 when USLRRCD, NRCS, and CARCD entered into an additional agreement wherein the three parties agreed to continue working together to “protect, restore, and enhance the productivity of American agricultural lands” through conserving water, soil and natural resources. (Ex. 3, pp. 20-27.) Of note, the 2019 Agreement memorialized the long-standing conservation efforts of USLRRCD by observing: “The NRCS and Upper San Luis Rey Conservation District share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore and enhance natural resources.” Thus, these two agreements collectively demonstrate that since at least 1998 to the present, USLRRCD and its partners have continuously exercised water, soil, and natural resource conservation powers within USLRRCD’s service area.

It may be helpful to observe that water conservation has different meanings depending on the context used. However, no matter which definition is used, USLRRCD had done conservation work, and continues to do it. In more recent times, “water conservation” has been associated with achieving greater water efficiency. As Exhibit 3 illustrates, the USLRRCD had engaged in “efficiency” oriented types of water management since at least the 1990s by providing water efficiency education to both farmers and school age children and partnering with CARCD and other San Diego County RCDs to provide water efficiency training and assistance to farmers in USLRRCD’s service area. (See e.g., Ex. 3 at pp. 17-19 [2015 MOU Between USLRRCD and Greater San Diego RCD to provide twelve watershed education and protection classes to be given within USLRRCD service area], and Ex. 3, p. 20 [2017 MOU Between USLRRCD and Greater San Diego RCD to Implement the State Water Efficiency & Enhancement Program (SWEEP)<sup>5</sup> within USLRRCD’s Service Area]; see also PRC §9419 (a)-(d) [authorizing RCDs to individually, or in cooperation with other RCDs, to provide education on water conservation, water quality and watershed protection within their service areas].)

At the time the RCD Act was passed, and in the formation of RCDs throughout the state, a related but distinct definition of “conservation” is also relevant to the MSR—the prevention of water from being wasted or contaminated and thereby lost for future beneficial use. (See PRC § 9001 (a) describing Legislature’s intent for “resource conservation” in California [“to provide the means by which the state may cooperate with the United States and with resource conservation districts . . . to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.”]. Thus, RCDs throughout California engage in “conservation” when they capture, redirect, or treat water that would otherwise be wasted or rendered unusable for future beneficial use—either because of non-availability or water quality degradation. USLRRCD also has also long performed this “waste prevention” type of water conservation project by (a) re-engineering drainage, building culverts and ditches, and redirecting waters that were eroding and damaging farmlands, tribal lands, and other Pauma Valley facilities, during the 1990s (see Exhibit 4); (b) by working with NRCS and the California Integrated Waste Management Board to manage and reengineer waste runoff from farms in a manner that prevents pollution of surface and groundwater that might otherwise render the receiving ground and surface waters unusable. See Ex. 3 at p. 11 [CIWMB list of grant funded projects managed by USLRRCD between 1997 and 2006 for water quality improvement and watershed protection], and Ex. 3 at pp. 9-13 [2003 groundwater quality planning study undertaken and managed by USLRRCD and 2006-2010 implementation of EQUIP program within USLRRCD].

USLRRCD has also continuously provided other water conservation and agricultural enhancement opportunities to individual farmers since its inception, as illustrated in the 2017 Cooperative Agreement Between USLRRCD and Greater San Diego RCD to implement the State Water Efficiency & Enhancement Program (SWEEP), by contracting with a sister RCD to provide irrigation water efficiency services within the USLRRCD service area. USLRRCD also, in addition to undertaking major erosion and water quality management projects such as those described in Exhibit 4, has regularly undertaken smaller cooperative agreements with individual landowners (including Tribal entities) to enhance agricultural opportunities, control runoff, and increase water efficiency.

<sup>5</sup>Information regarding the SWEEP program is available online at <https://www.cdfa.ca.gov/oefi/swEEP/>.

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(See, e.g., 2002 Cooperative Agreement with Village Nurseries to provide water and soil conservation services, Ex. at pp. 7-8; 2009 Project to clean-up pollution from abandoned tires in Pauma Creek, Ex 3, at pp. 15-16.) And these are just a small segment of the ongoing water conservation activities of USLRRCD within its service area, all of which continue to this day. (See 2019 Cooperative Agreement Between USLRRCD, NRCS, and CARCD.)

***Other Active Water Management Related Functions of USLRRCD***

Exhibits 3 and 4 demonstrate that the ongoing activities of USLRRCD within its service area, include water quality management and improvement,<sup>6</sup> watershed protection,<sup>7</sup> riparian habitat maintenance and management to conserve riparian endangered species (Arroyo Toads)<sup>8</sup>, flood water management (see Ex. 4), prevention of soil erosion, and management of runoff to increase water supplies for irrigation use<sup>9</sup> while reducing pollution. Agricultural enhancement activities by USLRRCD are also well established by Exhibits 3 and 4. USLRRCD has a number of directors that can provide significantly more amplification of the many projects that USLRRCD has undertaken over the years to the extent that additional evidence is needed to inform LAFCO's finalization of the MSR as to USLRRCD's active powers.

***Assertion by USLRIWA that Half of the Water in the Upper San Luis Rey Belongs to the Tribes:***

We are not clear where this assertion, contained in the staff report for item 7.b for the February 1 LAFCO meeting, came from, but whatever the source, it is simply not accurate. FRWR are judge created law. They constitute a court recognized estoppel that prevents the Federal Government from going back on its word when it creates tribal reservations (e.g., Congress is presumed to not have intended to create a reservation for Tribes without reserving enough water from the public domain to meet the primary purpose of the reservation). This action has not occurred here. No court has ever adjudicated a FRWR anywhere in the San Luis Rey River Basin—for surface water or groundwater, and Congress has never expressly granted FRWR in favor of a San Luis Rey Tribe. That's not to say that a court might not do so in the event of a future basin wide adjudication of the San Luis Rey River, but it has not happened to date. Moreover, because the Tribes, as PVGSA understands the facts, already have all the water they need (either from existing wells on reservation lands, or via retail water suppliers) to meet the primary purposes of their respective reservations, and because no court has ever held that the desire to engage in water speculation with non-Indians is a protected "Winters Right," it is not clear that future FRWR assertions by Tribes in the Upper San Luis Rey would ultimately be successful—and if successful, in what volume. Thus, PVGSA respectfully asks that this language in Item 7.b be removed as it is simply not an accurate statement of the facts or the law.

***Conclusion:***

The PVGSA is a GSA formed properly per SGMA, and the USLRRCD has been a member and critical partner in PVGSA since day one. USLRRCD has participated as a full "local agency" with groundwater management authority in GSA planning and activities, and, until recently, this occurred with full concurrence and support by the SLRIWA. RCDs are authorized by SGMA to act as GSAs with no further LAFCO action (absent annexation or expansion of boundaries), and the evidence submitted with this letter clearly indicates that the USLRRCD has exercised water management responsibilities within its service area, consistent with the authorities it was granted under the RCD Act, for a very long time, and in a comprehensive manner.

<sup>6</sup> See Ex. 4. See also Ex. 3 at pp. 9-12 (USLRRCD 2004 groundwater quality study; solicitation and implementation of EQIP program; clean-up of Pauma Creek; clean-up of farm waste per CIWMB grants).

<sup>7</sup> See Ex. 3 at p. 11 (USLRRCD administration of CIWMB watershed planning and coordination grants between 1997 and 2006).

<sup>8</sup> USLRRCD manages several conservation easements within its service area, all of which, or nearly all, are in the bed or floodplain of the San Luis Rey River. Arroyo toads can only mate where there are certain types of sandbars and flows in the river, so careful water management of riparian habitat is required within the several conservation easements that USLRRCD manages for successful Arroyo Toad recovery to occur. Obviously, the management of the conservation easements also constitutes Wildlife Enhancement, as the MSR correctly observes.

<sup>9</sup> See Ex. 4.

**YUIMA MUNICIPAL WATER DISTRICT**

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We accordingly ask LAFCO to modify Sections 5.1, 6.0 and 6.1 of the draft MSR to incorporate and memorialize the well-established active powers of the USLRCD, and how they've been exercised over the decades without interruption. We'd also ask you to revise the SGMA Summary in Agenda Item 7.b to remove any reference to the SLRIWA owning half the water in the USLR Sub-Basin. There is simply no legal basis for that assertion. Alternatively, as time is short before the February 1 Commission meeting, it may make sense for the Commission to table action on the MSR until the March 2021 Commission meeting in order to ensure the MSR properly captures all of the active powers of the USLRCD, many of which date back for many decades—and continue.

Finally, we respectfully urge that there should be no need for further analysis on the legal ability of USLRCD to participate as a member of the PVGSA after the MSR is approved since USLRCD clearly has water management responsibilities, and RCDs are clearly authorized to manage groundwater per SGMA without any further approvals by any agency other than CA DWR and the SWRCB. Unfortunately, SD LAFCO has been asked to weigh in on questions regarding SGMA that the SWRCB is empowered by law to answer. Please allow them to fulfill that role—as SGMA intended. Thank you for your consideration, and we are happy to provide any additional information the Commission may find helpful for the February 1 Commission meeting.

Kindest Regards,



Amy Reeh  
Interim General Manager  
Yuima Municipal Water District



Bobby Graziano  
General Manager  
Pauma Valley Community Services District



Andy Lyall  
President  
Upper San Luis Rey Resource Conservation District

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 Laney Villalobos - Director  
 Bruce Knox - Director

January 14, 2021

Ms. Kimberly Thorner  
 San Diego Local Agency Formation Commission (LAFCO)  
 Chair – Special Districts Advisory Committee  
 9335 Hazard Way, Suite 200  
 San Diego, CA 92123

Dear Ms. Thorner:

Thank you for the opportunity to participate at the Special Districts Advisory Committee (“Advisory Committee”) meeting on December 18, 2020. The discussion related to the ongoing Municipal Service Review (MSR) of San Diego County’s three Resource Conservation Districts (RCDs), and LAFCO’s draft MSR report related to same, were very useful and informative. The Pauma Valley Ground Water Sustainability Agency (PVGSA)—which is composed of the three signatory agencies to this letter—is generally supportive of LAFCO’s recommendations contained in the draft MSR Report, and PVGSA looks forward to working collaboratively with LAFCO staff and the Advisory Committee to ensure the final MSR report accurately reports on existing functions and services currently or recently performed by each RCD in San Diego County.

We also, via this letter, want to ensure that LAFCO does not seek, through the MSR process to impose requirements onto the Sustainable Groundwater Management Act (SGMA) process that no other LAFCO in California has sought to impose on groundwater sustainability agencies (GSAs) formed per SGMA. Specifically, to our knowledge, none of the hundreds of GSAs that have formed in the last five years throughout California to achieve SGMA’s sustainability goals have been required to first undergo a LAFCO review and approval. And with good reason. SGMA could easily have been written to require GSA’s to obtain LAFCO approval prior to filing a notice of intent with the Department of Water Resources (DWR) to become a GSA. The Legislature did not choose to proceed that way—instead casting a broad net in SGMA for the types of agencies eligible to become GSAs, individually or collectively. There are now RCDs managing groundwater basins throughout California. None received approval from a LAFCO before doing so. PVGSA, with USLRCD as one of its founding members, will similarly continue developing a groundwater sustainability plan (GSP) for the Upper San Luis Rey Sub-Basin (Sub-Basin) so that the Sub-Basin can be sustainably managed in the future. We respectfully reiterate that LAFCO’s focus in the MSR should be limited to identifying and memorializing any active water management functions that USLRCD currently, and historically, has carried out within its service area.

Additionally, PVGSA would like to briefly to respond to some points that were raised by other stakeholders during the Advisory Committee meeting, which PVGSA members believe to be less than entirely accurate.

During the discussion of the MSR, Mr. Tom Kennedy, General Manager of Rainbow Municipal Water District (Rainbow), stated that Rainbow, along with other stakeholders in the basin and the San Luis Rey Indian Water Authority (SLRIWA) spent four years developing a Groundwater Sustainability Agency in the Upper San Luis Rey Sub-Basin. This assertion is misleading. The PVGSA was formed on June 27, 2017 by the County of San Diego, Yuima, PVCSD and the USLRCD through a Memorandum of

## **YUIMA MUNICIPAL WATER DISTRICT**

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Understanding (2017 MOU), which I have attached. The 2017 MOU, which was filed with DWR, specifically states that the parties entered into the MOU for the purpose of operating a single, multi-agency GSA to develop a GSP for the Pauma Valley.<sup>1</sup> The 2017 MOU established a future governance structure for the GSA, and specifically named USLRRCD as an active participant in groundwater management in Pauma Valley, much like the water management activities that USLRRCD has provided, and continues to provide, within its service area. Yuima's records indicate that it was not until several months after the signing of the 2017 MOU that Mr. Kennedy and the SLRIWA became involved in the GSP development process, and neither complained until last year about the alleged ineligibility of USLRRCD to participate as a member of a GSA. Indeed, prior to the passage of AB 1944 in 2018, Rainbow had no lands within the Sub-Basin. After AB 1944, they have 38 acres—out of more than 19,000 acres overlying the Sub-Basin.

The MOU Mr. Kennedy referenced at the Advisory Committee meeting was approved on March 21, 2019. It did not modify the 2017 MOU, nor did it purport to modify the GSA created by it. Instead, the 2019 MOU addressed expansion of the Sub basin boundary per AB1944, and it also sought to create a broader framework, which included participation of SLRIWA and Rainbow, for administering grant funding, and developing the GSP. The signing parties of this 2019 MOU were the PVCSD, USLRRCD, Yuima, Valley Center Municipal Water District, Pauma Municipal Water District, Rainbow, and the SLRIWA. Through this 2019 MOU, and at numerous subsequent meetings, both Rainbow and the SLRIWA recognized USLRRCD's participation as a SGMA "local agency" and legal member of the GSA. Indeed, Rainbow and USLRIWA had to directly support USLRRCD's role as a SGMA local agency because around the same time the County of San Diego withdrew from the GSA. After the County's withdrawal, the only way that the GSA could cover the entire Sub-Basin (a requirement of SGMA) was via the membership of USLRRCD in the GSA. This support for ULSRRCD's role as a GSA changed, however, when the SLRIWA demanded that the development of the GSP include adjudication and quantification of all of the SLRIWA's asserted water rights (equivalent in volume to all of the water in the Sub-Basin). This new demand by USLRIWA was not part of the 2017 or 2019 MOUs, and was not within the legal purview of SGMA or the powers of the PVGSA. SGMA gives GSAs no power to determine or quantify rights in groundwater as those functions fall within the exclusive purview of the courts. The impasse over SLRIWA's demand that the GSP recognize and accept SLRIWA's claim to own all water in the Sub-Basin was a deal breaker, and the GSP development efforts stalled. Impasse ensued for over a year thereafter.

On or about June 2020, the current members of the PVGSA amended the 2017 MOU to allow Yuima to take on the responsibilities of the County, which as previously noted had withdrawn from the GSA in 2019. Prior to the signing of this amendment, the GSA members invited Rainbow and the SLRIWA to join and participate in the PVGSA. Both declined. Invitations to participate, in a voting or non-voting capacity have since been repeatedly extended to the SLRIWA, but they have repeatedly declined to participate, and indeed have also refused facilitation services offered by DWR. Instead, they seek to destroy the ability of the PVGSA to finish its work and develop a compliant GSP by asking LAFCO, the State Water Board, and DWR, to prevent completion of the GSP, and to declare the PVGSA invalid, with the intent that the State of California will then take over direct management of the Sub-Basin from Sacramento, a result that SGMA does not contemplate, and which nobody in the San Luis Rey Valley appears to want except for SLRIWA and Rainbow.

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<sup>1</sup> At that time, and prior to the passage of SB 779 in 2019, all water bearing formations to the west of Pauma Valley were considered to be a subterranean stream and therefore outside the purview of SGMA.

USLRRCD engages in water management activities throughout the Sub-Basin, and has continuously done so for a very long time (additional evidence on this point will be submitted to LAFCO in the next week under separate cover). In the meantime, PVGSA will continue to encourage the participation of SLRIWA in the GSA process in whatever form the Tribes feel comfortable participating.

During the Advisory Committee meeting, you established a special working group of the Advisory Committee and tasked the working group with reviewing the issue of RCDs and SGMA, and specifically whether LAFCO is required to take any action in relation to the exercise of those powers. All three members of the PVGSA support this process and hereby offer any assistance and information that may aid the workgroup in their assigned task.

The PVGSA is dedicated to achieving the responsibility with which it has been tasked; developing a legally compliant GSP, that fully respects federal reserved water rights, and achieves groundwater sustainability throughout the Sub-Basin. We ask for LAFCO's assistance in facilitating the GSA in completing its mission.

Sincerely,



Amy Reeh  
Interim General Manager  
Yuima Municipal Water District

Andy Lyall  
President  
Upper San Luis Rey RCD

Bobby Graziano  
General Manager  
Pauma Valley Community Services District

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During the Advisory Committee meeting, a special working group was established by the Chair of the Advisory Committee and tasked with reviewing the issue of RCDs and SGMA, and whether LAFCO is required to take any action in relation to the exercise of those powers. All three members of the PVGSA support this process and hereby offer any assistance and information that may aid the workgroup in their assigned task.

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Sincerely,

Amy Reeh  
Interim General Manager  
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Upper San Luis Rey RCD




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**PUBLIC RESOURCES CODE - PRC**
**DIVISION 9. RESOURCE CONSERVATION [9001 - 9972]** ( Division 9 repealed and added by Stats. 1975, Ch. 513. )

**CHAPTER 3. Resource Conservation Districts [9151 - 9491]** ( Chapter 3 added by Stats. 1975, Ch. 513. )

**ARTICLE 9. General Powers of District [9401 - 9420]** ( Article 9 added by Stats. 1975, Ch. 513. )

**9401.** The board of directors of a district shall manage and conduct the business and affairs of the district.  
(Repealed and added by Stats. 1975, Ch. 513.)

**9402.** The directors shall be empowered to conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures and works of improvement needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive control measures and works of improvement; provided, however, that in order to avoid duplication of surveys, investigations, and research activities, the directors shall seek the cooperation of local, state, and federal agencies.  
(Repealed and added by Stats. 1975, Ch. 513.)

**9403.** The directors may accept gifts and grants of money from any source whatsoever to carry out the purposes of the district.  
(Repealed and added by Stats. 1975, Ch. 513.)

**9403.5.** The directors may establish and charge fees for services provided by the district to, and upon the request of, persons or governmental entities. No fee shall exceed the cost reasonably borne by the district in providing the service.  
(Added by Stats. 1991, Ch. 831, Sec. 19.)

**9404.** The directors may execute all necessary contracts. They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation.  
(Repealed and added by Stats. 1975, Ch. 513.)

**9405.** The directors may acquire by purchase, lease, contract, or gift all lands and property necessary to carry out the plans and works of the district. The directors may acquire conservation easements as provided in Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code on lands within the district. **A district acquiring a conservation easement shall prepare a management plan for the easement which fully describes the intent and legal obligations respecting the easement and which shall be consistent with the goals of the State Soil Conservation Plan and other policies adopted pursuant to Section 9108.**  
(Amended by Stats. 1991, Ch. 831, Sec. 20.)

**9406.** The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district.  
(Repealed and added by Stats. 1975, Ch. 513.)

**9407.** The directors may sue and be sued in the name of the district and may appear in person or by counsel.  
(Repealed and added by Stats. 1975, Ch. 513.)

**9408.** (a) The directors may cooperate and enter into contracts or agreements with the state, the United States, any county, any city, any other resource conservation or other public district in this state, any person, or the commission, in furtherance of the provisions of this division, and to that end may use any funds available to the district as provided in this chapter, and may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

(b) Districts may cooperate with counties and cities on resource issues of local concern. It is the intent of the Legislature to encourage districts to facilitate cooperation among agencies of government to address resource issues of local concern.

(c) Districts may cooperate with federal, state, and local agencies and owners of private lands under the agreement between the California Association of Resource Conservation Districts and various public and private entities known as the coordinated resource management and planning memorandum of understanding.

*(Amended by Stats. 1991, Ch. 831, Sec. 21.)*

**9409.** The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, wildlife enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

*(Repealed and added by Stats. 1975, Ch. 513.)*

**9410.** The directors may operate and maintain, independently or in cooperation with the United States or this state or any state agency or political subdivision or any person, any and all works constructed by the district.

*(Added by Stats. 1975, Ch. 513.)*

**9411.** The directors may disseminate information relating to soil and water conservation and erosion stabilization, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof, or any person.

*(Added by Stats. 1975, Ch. 513.)*

**9412.** Each district may provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation. When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan or rent to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving the aid or assistance agrees to devote and use the aid or assistance on his or her lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that the landowner or land occupant is also a director, any landowner is qualified to and may receive assistance or loans under this section.

*(Amended by Stats. 1991, Ch. 831, Sec. 22.)*

**9413.** (a) Each district may develop districtwide comprehensive annual and long-range work plans as provided in this section. These plans shall address the full range of soil and related resource problems that are found to occur in the district.

(b) The long-range work plans may be adopted and updated every five years, in accordance with a standard statewide format which shall be established by the commission. Districts may amend the long-range plan prior to the five-year update in order to address substantive changes occurring since the adoption of the most recent long-range work plan. The long-range plans shall serve the following functions:

- (1) Identification of resource issues within the district for purposes of local, state, and federal resource conservation planning.
- (2) Establishment of long-range district goals.
- (3) Provision of a framework for directors to identify priorities for annual district activities.
- (4) Provision of information to federal, state, and local governments and the public concerning district programs and goals.

(5) Setting forth a basis for evaluating annual work plan achievements and allocating available state funding to the district.

(6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.

(c) The annual work plans may be adopted on or before March 1 of each year in a format which shall be consistent with the district's long-range work plan. The annual work plans shall serve the following functions:

(1) Identification of high priority actions to be undertaken by the district during the year covered by the plan.

(2) Identification of the person or persons responsible for undertaking each planned task, how it will be performed, when it will be completed, what constitutes completion, and the cost.

(3) Demonstration of the relationship of annual tasks to the long-range district goals identified in the long-range work plan.

(4) Provision of assistance to the local field office of the Soil Conservation Service of the United States Department of Agriculture in adjusting staff and program priorities to match district goals.

(5) Informing the public of the district's goals for the year.

(6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.

(7) Provision of a basis for assisting the commission in determining district eligibility for state funding under this division.

(d) A district may prepare an annual district report. The annual district report shall be completed on or before September 1 of each year in a format consistent with the long-range and annual plans, so that progress made during the reporting period towards district goals can be readily determined. The annual report shall serve the following functions:

(1) To report on the district's achievements during the reporting period to the commission, the department, the board of supervisors of any county in which the district is located, and any agency that reviews district requests for funding assistance.

(2) To increase public awareness of district activities.

(3) To compare district accomplishments during the reporting period with annual work plan objectives for that period and to identify potential objectives for the next annual work plan.

*(Repealed and added by Stats. 1991, Ch. 831, Sec. 24.)*

**9414.** Directors may accept, by purchase, lease, or gift, and administer any soil conservation, water conservation, water distribution, erosion control, or erosion prevention project located within the district undertaken by the United States or any of its agencies, or by this state or any of its agencies.

*(Added by Stats. 1975, Ch. 513.)*

**9415.** The directors may manage, as agents of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project, within or adjacent to the district; and may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project within or adjacent to the district.

*(Added by Stats. 1975, Ch. 513.)*

**9416.** The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands.

*(Added by Stats. 1975, Ch. 513.)*

**9417.** (a) The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of resource conservation districts may be organized to facilitate that cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein.

(b) It is the intent of the Legislature to encourage districts to organize in countywide or regional associations for the purposes of (1) providing coordinated representation of districts before federal, state, and local governmental agencies and (2) coordinating program planning, funding, and delivery of services.

*(Amended by Stats. 1991, Ch. 831, Sec. 25.)*

**9417.5.** It is the intent of the Legislature that concerned state agencies, in cooperation with resource conservation districts and other appropriate local entities, work with the agencies of the United States Department of Agriculture and the Department of the Interior, the Environmental Protection Agency, and other federal agencies, to maximize cooperative opportunities for federal, state, and private funding for competitive grants and contracts for watershed protection, restoration, and enhancement programs of resource conservation districts.

*(Added by Stats. 1994, Ch. 719, Sec. 3. Effective January 1, 1995.)*

**9418.** The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all matters concerning the district, except that if the principal county has a county counsel, then the directors shall call upon him for such legal advice and assistance. The district attorney or county counsel, as may be appropriate, shall, upon the request being made, give such advice and assistance.

*(Added by Stats. 1975, Ch. 513.)*

**9419.** (a) The directors may engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purpose may develop educational programs both for children and for adults. In the development of those programs, the directors may authorize the giving of awards and prizes for outstanding achievement.

(b) Each district may develop and disseminate or utilize conservation education programs for use in kindergarten through grade 12. As an option to developing these programs independently, it is the intent of the Legislature to encourage both collaboration with other organizations and incorporation of elements of existing programs.

(c) A district may conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality.

(d) A district may sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration.

*(Amended by Stats. 1991, Ch. 831, Sec. 26.)*

**9420.** The board of directors of a district may appoint advisory committees to provide technical assistance in addressing soil and related resource problems, to assist in coordinating conservation programs and activities, and to share information relating to the functions or purposes of the district. Representatives of state, federal, and local governmental agencies, including school districts, as well as private organizations, may serve on these advisory committees.

*(Repealed and added by Stats. 1991, Ch. 831, Sec. 28.)*

**MUTUAL AGREEMENT**

**Between the**

**UNITED STATES DEPARTMENT OF AGRICULTURE**

**and the**

**STATE OF CALIFORNIA**

**and the**

**UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**

**For their Cooperation in the  
Conservation of Natural Resources**

THIS AGREEMENT is between the United States Department of Agriculture (USDA), the State of California, and the Upper San Luis Rey Resource Conservation District.

The authority of USDA to enter into this agreement is the Soil Conservation and Domestic Allotment Act, 16. 590; the Department of Agriculture Reorganization Act of 1994, Public Law No. 103-354; and Secretary's Memorandum No. 1010-1, dated October 20, 1994. The State of California and the District authority is defined in Division 9 of the Public Resources Code, as amended.

**STATEMENT OF PURPOSE**

The parties have the common objective of assisting people in their efforts to utilize and manage natural resources in accordance with their capabilities and needs for protection and improvement. **Each party is independent, has its respective responsibilities, yet recognizes the need to coordinate as a federal, state and local partnership for the successful delivery of conservation programs related to our soil, water, air, plant, animal, and human resources. Therefore, the parties will cooperate to implement their respective long-range natural resources conservation programs considering available resources, statutory authorities, and regulations.** The parties will develop appropriate agreements to further define this relationship.

**IT IS UNDERSTOOD THAT:**

**Broad based conservation programs delivered through the cooperation of the USDA, the Upper San Luis Rey Resource Conservation District, and the State of California are vital to the protection of the natural resources, economic stability and well-being of our Nation.**

**The parties reaffirm the relationship between the USDA, the Upper San Luis Rey Resource Conservation District, and the State of California. The Secretary will continue, within the terms of various statutes administered by USDA, to carry out broad conservation programs of assistance encompassing technical, research, educational, and financial assistance to land owners and users through the Upper San Luis Rey Resource Conservation District, and the State of California.**

The parties also recognize and encourage a continued commitment from the State of California in aiding administration, coordination, financing, and the delivery of conservation programs through the Districts.

This Agreement establishes an enduring basis for cooperation and assistance between the parties to achieve common natural resources conservation goals and objectives. Authority to carry out specific projects or activities, such as the transfer of funds, acquisition of services, and property will be carried out under separate agreements. The parties will encourage other natural resource related agencies to develop similar agreements.

**EXHIBIT 3**

The signatories will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

This agreement can be modified or terminated at any time by mutual consent of all parties or can be terminated by any party by giving 60 days written notice to the others.

This agreement supersedes all previous Memorandums of Understanding.

UNITED STATES DEPARTMENT OF AGRICULTURE

By: *Jan Phillipsman*  
(Secretary of Agriculture)

Date: 3/12/98

STATE OF CALIFORNIA

By: *W. G. Wheeler*  
(Governor or Designee)

Date: 3/12/98

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: *Jerry Beoff*  
(Chairperson)

Date: 3/12/98

**COOPERATIVE WORKING AGREEMENT**

Between the

**NATURAL RESOURCES CONSERVATION SERVICE, USDA**

and the

**UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**

and the

**CALIFORNIA ASSOCIATION OF RESOURCE CONSERVATION DISTRICTS**

and the

**CALIFORNIA DEPARTMENT OF CONSERVATION**

**For their Cooperation in the  
Conservation of Natural Resources**

**THIS AGREEMENT** is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), Upper San Luis Rey Resource Conservation District (USLRRCD), California Association of Resource Conservation Districts (CARCD), and the California Department of Conservation (DOC).

**AUTHORITIES, STATUTES, LAWS**

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; the Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1 Reorganization of the Department of Agriculture, dated October 20, 1994. The California authority is defined in California Public Resources Code Division 9 and Public Resources Code Section 614.

For the purpose of this CWA, boundaries referred to herein will be those of the District as determined by the California State Public Resources Code Division 9.

**PURPOSE**

The purpose of this agreement is to supplement the Mutual Agreement between the United States Department of Agriculture by the State Conservationist and the Upper San Luis Rey Resource Conservation District as authorized by Public Law 103-354 and Secretary's Memorandum No. 1010-1 dated October 20, 1994. This Cooperative Working Agreement (CWA) documents those areas of common interest of the State, Federal and Local partnership in natural resources conservation. In the interest of advancing the concept of "locally led conservation," the District shall be responsible for exerting leadership to identify local resource needs, advocate for effective solutions and work with appropriate parties on implementation. To the extent possible, all signatories shall collaborate on the delivery of conservation through the Upper San Luis Rey Resource Conservation District. Used effectively, the partnership between the above entities will: Increase participation and understanding from landowners, citizen groups and other agencies; improve understanding of natural resource management issues; generate public support for viable recommendations; and reduce duplication of effort and contradictory mandates.

**ROLES AND RESPONSIBILITIES**

**Personnel:** Each party is responsible for the hiring, management, supervision, development, and evaluation of its own personnel, including creating an environment that supports a diverse, qualified workforce.

**Training:** The parties will provide appropriate leadership in administrative and technical training as determined by joint natural resource conservation program needs. The parties will cooperate to offer training opportunities to each other.

**Employment:** The parties agree to work together to identify individual staffing needs to include the necessary disciplines for program delivery. Employee hiring, placement, personnel policies and evaluations which outline responsibilities of their respective employees and programs will be done independently by the employing agency outlining responsibility of their respective employees and program.

For the purpose of strategic planning, the signatories shall share information on job descriptions, program mandates, and operating guidelines outlining responsibilities of their respective employees as necessary.

#### **TECHNICAL AND ADMINISTRATIVE ASSISTANCE**

The parties agree to work together to determine the amount of technical and administrative assistance needed for program delivery at each level, within available resources. Such assistance, as appropriate, may include contracts, agreements, procurement, personnel, engineering, soil and water resources and/or other assistance provided by the parties. Such arrangements will be identified in a separate letter of agreement on a project-by-project basis.

NRCS agrees to provide adequate staffing to the local field office, within NRCS budget constraints, to assist the District in implementing the objectives of this agreement. The parties agree to strive toward a high level of customer satisfaction and quality of service.

Reimbursable costs and billing requirements will be identified in a separate Letter of Agreement on a project by project basis.

#### **PROGRAM DELIVERY**

The parties agree to work together in order to accomplish mutual resource conservation priorities identified by the District. The parties will actively seek funding to accomplish these priorities, where permissible. The parties will coordinate with public and private resource groups, and other resource agencies, and interested parties to share information and resources in developing comprehensive natural resource programs.

#### **PLANS**

The District agrees to take the lead in the development and review of annual long-range workplans to define the conservation needs within the District's area in cooperation with other stakeholders.

Workplans should be tailored to meet individual needs as well as overall community watershed needs. Each District will have common and specialized priorities based on local community conditions.

The District will obtain necessary documentation of land rights, permits, and licenses needed for the implementation of the projects.

#### **RESOURCE INVENTORIES**

To the extent necessary to advance the purposes of the CWA, the parties agree to identify, define, and coordinate the collection and use of resource inventory data.

The parties will cooperate in monitoring and validating the resource inventory data to assure that the data meets the resource planning and evaluation process.

Site specific information obtained by NRCS, DOC, and RCDs will be filed in accordance with the provisions of the Freedom of Information Act and applicable state laws.

#### **RECORDS MANAGEMENT**

**Freedom of Information Act:** Requests for information from client records pursuant to the Privacy Act and the Freedom of Information Act, will be processed according to guidance in NRCS General Manual 120-408.



NRCS will inform the District about such requests, and the District will inform NRCS of requests they receive under the California Open Records Act. The District cooperator's agreement must include responsibility to protect cooperators and limit District Director's/Supervisor's liability.

#### **TECHNICAL STANDARDS**

The District will utilize the NRCS Field Office Technical Guide (FOTG) and other science-based technical standards, as approved by the parties of this agreement. The parties will develop a process to establish and maintain consistent technical standards. Applicable agencies will participate in review and adoption of standards.

#### **JOB APPROVAL**

Each party agrees to assign job approval authority to its personnel based on knowledge, skill and ability levels and within applicable laws and guidelines.

#### **FEE FOR SERVICES**

The parties recognize that non-federal signatories may establish procedures to collect fees, where permissible, for delivery of such services which are not provided through Federal financial or technical assistance.

#### **FACILITIES, EQUIPMENT, AND VEHICLES**

Subject to the requirements of State and Federal Laws, established guidelines and procedures, funding limits, and jointly developed policies, the parties will share office space, equipment and vehicles necessary for the conduct of work completed under this agreement.

#### **FUNDING**

**The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs.**

#### **TORT LIABILITY**

The parties will each assume responsibility for the actions of their officials or employees acting within the scope of their employment to the extent provided by federal and state law.

#### **ACCOUNTABILITY**

The parties agree to design and implement an outcome based evaluation system to determine that resource and customer needs are being met at the District level. **The responsible person for the NRCS will be the District Conservationist assigned to the local field office; the responsible person for the Resource Conservation District will be the President of the Board of Directors or designated representative.** All activity under this CWA will be coordinated by individuals identified above.

#### **SCOPE OF AGREEMENT**

Authority to carry out specific projects or activities which involve the transfer of funds, acquisition of services, property or any other obligations, is not provided by this document and would need to be carried out under separate authority.

#### **CIVIL RIGHTS**

The parties will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended. The Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B) which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any agency thereof.

**TERMINATION**

This agreement can be modified or terminated at any time by mutual consent of any party or can be terminated by any parties giving sixty (60) days written notice to the other parties.

This agreement supersedes the supplemental Memorandum of Understanding.

**UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**

By: *Ogden Watson*  
Title: Treasurer  
Date: 9.9.99

**CALIFORNIA ASSOCIATION OF RESOURCE CONSERVATION DISTRICTS**

By: *Donna C. Thomas*  
Title: President  
Date: 2/9/99

**UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE**

By: *[Signature]*  
Title: \_\_\_\_\_  
Date: 4.6.99

**STATE OF CALIFORNIA DEPARTMENT OF CONSERVATION**

By: *[Signature]*  
Title: Director  
Date: 11/8/98



Upper San Luis Rey Resource Conservation District

P.O. Box 1777 • 990 East Mission Road  
Fallbrook, California 92088-1777

Phone: (760) 728-1332 FAX: (760) 723-5316 Email: missnrkd@tfb.com

COOPERATIVE AGREEMENT

The cooperator is interested in soil and water conservation and desires the assistance of the District in developing a conservation program for his land.

The cooperator intends to use his land within its capability and to treat it according to its needs.

The District will help to develop a conservation plan and assist in carrying out the plan by providing such information and technical or other assistance as may be available.

Neither the District nor the cooperator shall be liable for damages to the other's property resulting from the carrying out of this plan. The District assumes no responsibility for the possible legal establishment of any property lines or boundary lines, water rights, nor for area estimates shown or used.

This agreement shall remain in effect until either party gives written notice to the contrary. It shall become inoperative for any party who ceases to have legal interest in the subject land and is automatically cancelled when the property is sold.

DISTRICT SERVICE IN COMPLIANCE WITH THE CIVIL RIGHTS ACT OF 1964 AS AMENDED ARE AVAILABLE TO ALL LAND USERS WITHIN THE DISTRICT REGARDLESS OF RACE, COLOR, HANDICAP, OR NATIONAL ORIGIN.

THE SIGNING OF THIS AGREEMENT DOES NOT CONSTITUTE A COST-SHARING APPLICATION UNDER ANY GOVERNMENT COST SHARE PROGRAM.

Village Nurseries 8-22-02  
Cooperator (Operator: Doug Anderson) Date

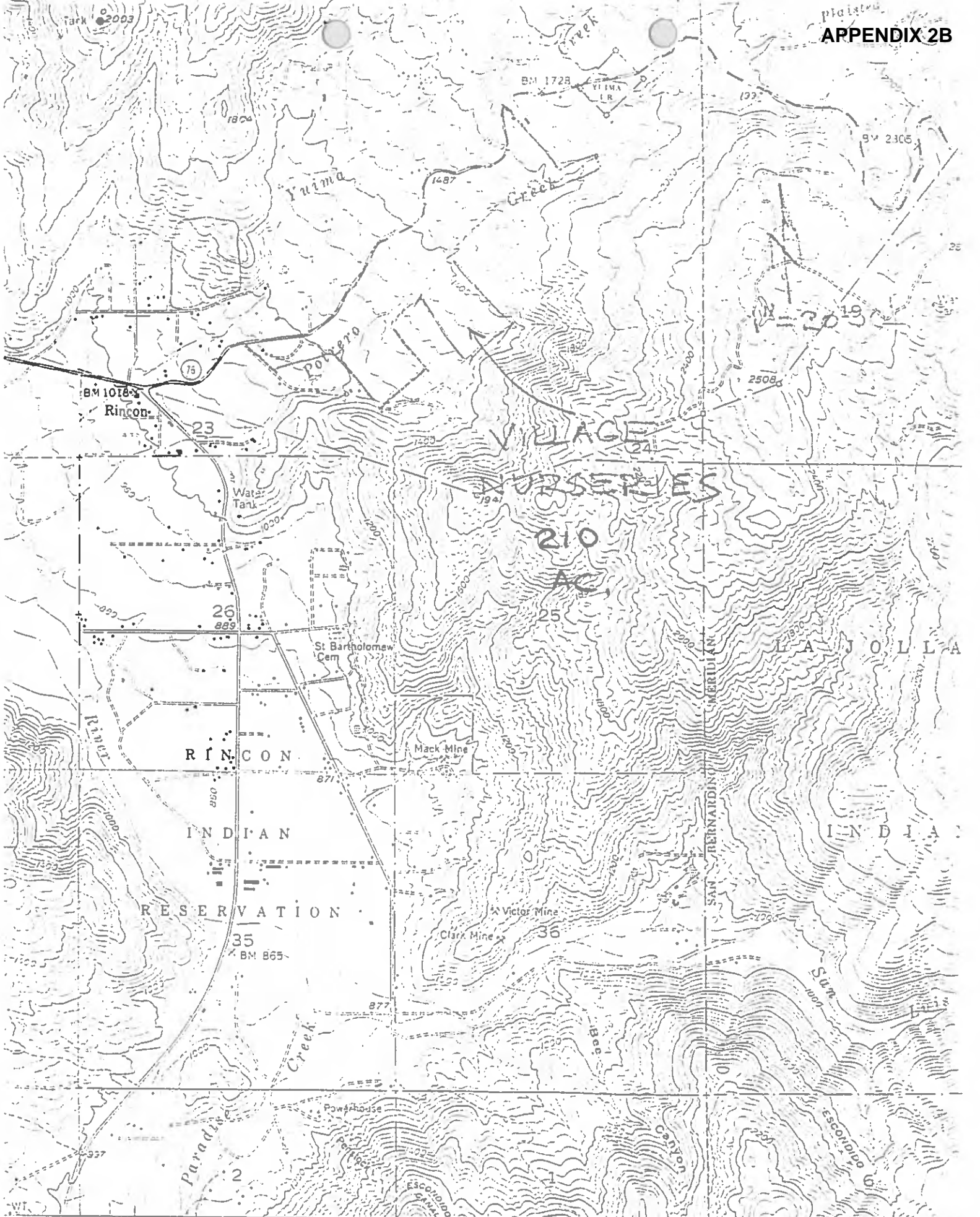
Mailing Address: P.O. Box 249 Phone: 760-742-4477  
Pauma Valley, CA 92061 Cell: 760-212-2642  
Acres: 200 +-

Property Location: 17325- 17675 Hwy 76, Pauma Valley, 92061

..... Upper San Luis Rey Resource Conservation District .....

[Signature] 9-12-02  
Director Date

mailed 9/19/02



ET 7 57°30' 50" 1905 (RODRIGUEZ|MTN.) 2650 III NW R. I. W. R. I. E 55'



Phone (760) 728-1332  
Fax (760) 723-5316

Mission Resource Conservation District  
990 East Mission Road, Fallbrook, California 92028  
P.O. Box 1777, Fallbrook, California 92088-1777

e-mail  
missnrcd@tfb.com

**A Joint Project of  
Mission Resource Conservation District  
and  
Upper San Luis Rey Resource Conservation District**

**San Luis Rey River Basin Ground Water Quality Data**

Analyte	Units	#1	#2	#3	#4	#5	#6	#7	#8	#9
pH		7.0	7.4	7.8	7.9	7.9	7.8	7.5	8.0	8.0
EC	<i>dS/m</i>	0.5	0.7	0.7	1.2	1.4	0.7	1.8	3.1	2.3
TDS	<i>ppm</i>	309	460	478	787	908	460	1126	1998	1453
CaCo <sub>3</sub>	<i>ppm</i>	176	276	276	508	576	292	652	1184	828
Ca & Mg	<i>ppm</i>	76	94	96	178	199	103	214	387	286
Na	<i>ppm</i>	0.0	12.1	13.2	2.2	2.2	0.0	22.0	12.1	0.0
Cl	<i>ppm</i>	35	89	85	137	164	61	211	550	434
NO <sub>3</sub>	<i>ppm</i>	0.0	2.8	3.0	0.5	0.5	0.0	5.0	2.8	0.0

Collected by: Vic Smothers, April 30, 2003  
Analyzed by: Andrea Souther & Trevor Li, May 6, 2003



Phone (760) 728-1332  
 Fax (760) 723-5316

Mission Resource Conservation District  
 990 East Mission Road, Fallbrook, California 92028  
 P.O. Box 1777, Fallbrook, California 92088-1777

e-mail  
 agwater@missionrctd.org

**A Joint Project of  
 Mission Resource Conservation District  
 and  
 Upper San Luis Rey Resource Conservation District**

**San Luis Rey River Basin Ground Water Quality Data**

Analyte	Units	#1	#2	#3	#4	#5	#6	#7	#8	#9
pH		7.3	7.2	7.0	6.9		7.2	7.3	7.1	7.2
EC	dS/m	0.4	0.6	0.9	1.3		0.5	1.6	2.6	2.1
TDS	ppm	286	391	549	806		345	1052	1665	1368
CaCo <sub>3</sub>	ppm	176	230	352	560		208	652	984	816
Ca & Mg	ppm	64	80	120	191		75	208	326	282
Na	ppm	22	35	36	32		28	78	146	117
Cl	ppm	37	72	121	159		55	221	440	440
NO <sub>3</sub>	ppm	0.0	1.0	2.5	0.5		0.5	7.5	0.5	0.5

*La Jolla* *Bain com* *U. Limn* *Well #3* *Pala* *Pankey* *Vessils* *O's all water front*

Collected by: Vic Smothers, January 27, 2004  
 Analyzed by: Andrea Souther, January 29, 2004

Farm and Ranch Solid Waste Cleanup and Abatement Grant Program

Grant Experience Work Sheet

The information provided on this form will be used to determine if Applicant, or its contractor(s), can complete the project as proposed. Points will be awarded for the completion of this form.

Provide evidence in the space below, as it relates to the project, that applicant, or its contractor(s) has sufficient staff resources, technical expertise and experience to successfully manage this grant project. Include previous experience remediating similar sites and/or managing grant.

Previous Experience:

*The Upper San Luis Rey Resource Conservation District has successfully completed two CIWMB Farm and Ranch Solid Waste Cleanup and Abatement grant projects since 2004, both within budget. The RCD has also, in the past, partnered with Mission Resource Conservation District to implement three other watershed related grant projects.*

List previous grants received:

11-2-2006 FR25-06-0003 \$34,628

Date of Grant	Grant Number	Grant Amount	Type of Grant, and Awarding Agency	Percent Complete
5/1/2006	FR21-0405	\$70,472	Farm & Ranch Solid Waste Cleanup and Abatement Grant program (CA Integrated Waste Management Board)	100%
12/1/2004	FR15-03-6	\$96,129	Farm & Ranch Solid Waste Cleanup and Abatement Grant program (CA Integrated Waste Management Board)	100%
7/1/2002	65-9104-8-13K (3000-512#1)	\$69,982	Watershed Coordinator, Department of Conservation (USLR RCD and Mission RCD)	100%
1/1/2001	65-9104-8-13K (3000-512)	\$84,300	Watershed Coordinator, Department of Conservation (USLR RCD and Mission RCD)	100%
11/20/1997	97-056	\$175,100	Development of San Luis Rey Corridor Plan, CA Coastal Conservancy (USLR RCD and Mission RCD)	100%

## Upper San Luis Rey Resource Conservation District

### Water Quality Program

## “Environmental Quality Incentives Program (EQIP)”

### WORKSHOP

EQIP is a federal cost-share program that offers financial and technical help to assist eligible farmers install or implement structural and management practices on eligible agricultural land. This includes projects



involving irrigation system improvements and other methods of eliminating runoff. Opportunities will be provided to discuss your project ideas and to start the application process. For more information, see [www.nrcs.usda.gov/programs/eqip](http://www.nrcs.usda.gov/programs/eqip).

**EQIP Applications due December 1st , 2006**

#### Presenters:

- Cori Calvert, District Conservationist- Natural Resources Conservation Service

**Date:** September 28, 2006

**Time:** 1:00—2:00 p.m.

**Place:** Pauma Valley Community Services District  
33129 Cole Grade Rd., Pauma Valley, CA

**RSVP:** Lisa @ (760) 742-3564 (reservations limited to 25)

#### Program Sponsors

- Upper San Luis Rey Resource Conservation District
- Natural Resources Conservation Service



**MINUTES**  
**December 11th, 2008**  
**Upper San Luis Rey Resource Conservation District**

On Thursday, December 11th, 2008 The Upper San Luis Rey Resource Conservation District met at: 33129 Cole Grade Rd., Pauma Valley, CA 92061

**Board Members Present:**

Jesse Hutchings, President  
 Bill Hutchings, Vice-President  
 Oggie Watson, Secretary-Treasurer  
 Lenore Lamb – Director

**Others Present:**

Lisa Payne - USLR  
 Vic Smothers - NRCS  
 Cori Calvert Butler - NRCS  
 Alfonso Ramos – TY Nursery

**Board Members Absent:**

None

**CALLED TO ORDER:**

President, Jesse Hutchings called the meeting to order at 11:50 p.m.

**REPORTS:**

**EQUIP applications currently being deferred into 2010. Groves & nurseries are utilizing EQUIP for replacement irrigation after damage from fires. In 2009 there have been more applications than normal. NRCS has received 40 applications to date and will be able to fund 10 to 15 applications in 2009.**

Due to the first county wide NRCS audit, Cori has been unable to work on the courtesy monthly newsletter for the past few months. Cori hopes to start up again with it in the first quarter 2009. An audit is being done by the State and all employees of NRCS are currently helping out with the audit in reviewing contracts and the field work is on hold.

**APPROVAL OF AGENDA:**

Lenore Lamb made a motion to approve the agenda. Seconded by Bill Hutchings the motion was approved.

**APPROVAL OF MINUTES:**

Bill Hutchings made a motion to approve November minutes. Seconded by Lenore Lamb, the motion was approved.

**TREASURERS REPORT:**

November's treasurer's reports & bills were approved as read. Bill Hutchings made a motion to approve expenses. Seconded by Lenore Lamb, the motion was approved.

**Expenses:**

Admin. - \$200.00  
 CSDA - \$490.00

CSDA payment of annual dues to be discussed next month.

**NEW BUSINESS:**

Regarding the "FOIA", Cori Calvert indicated that NRCS can give us a general description of projects within our district boundaries, but can no longer provide us with information such as names or addresses. Lenore Lamb would like to receive an official response and requests that the "FOIA" letter be sent. The board agreed. A motion was made for Lenore & Lisa to finish the "FOIA" letter and Jesse will sign. Jesse made the motion and Oggie seconded it, the motion was approved.

Cori indicated that Vic Smothers would be our contact person in the process of obtaining information from NRCS. Cori Calvert will e-mail newsletter to Vic. Vic will highlight what is in our district and e-mail that information to Lisa. Lisa will then be able to submit with monthly package.

Vic indicated the Forest Service was doing research on Tree Mortality. Lenore ask about classes that the Forest Service may offer. He did not know, but suggested she check with the Forest Service.

**OLD BUSINESS:**

Alfonso offered a tour of TY Nursery. Lisa to coordinate with him for February or March. Lenore indicated that the following month we could tour Pala's Treatment Plant.

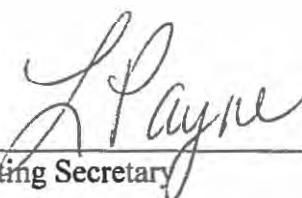
**ADJOURNMENT:**

Motion to adjourn at 12:50 p.m. by Oggie Watson and seconded by Bill Hutchings.

MEETING ADJOURNED.

**NEXT MONTHLY MEETING:**

January 8th, 2008

  
\_\_\_\_\_  
Acting Secretary

**MINUTES**  
**August 13<sup>th</sup>, 2009**  
**Upper San Luis Rey Resource Conservation District**

On Thursday, August 13<sup>th</sup>, 2009 The Upper San Luis Rey Resource Conservation District met at: 35955 Pala Temecula Rd. (Tribal Hall), Pala, CA 92059

**Board Members Present:**

Jesse Hutchings, President  
 Bill Hutchings, Vice-President  
**Alfonso Ramos - Director**

**Others Present:**

Lisa Payne - USLR  
 Shea O'Keefe – NRCS  
 Vic Smothers - NRCS

**Board Members Absent:**

Oggie Watson, Secretary-Treasurer  
 Lenore Lamb – Director

**CALLED TO ORDER:**

President, Jesse Hutchings called the meeting to order at 12:11 p.m.

**REPORTS:**

Victoria Jackson, a student from Warner Springs High School that USLR RCD recently sponsored gave a very nice power point presentation on her experience at Range Camp. Victoria found the information she received from camp was invaluable for hands on experience. She was very appreciative of the opportunity to attend Range Camp.

Shea O'Keefe indicated NRCS is starting a new program called the Conservation Stewardship Program "CSP". They will have more information to follow next month. "EQUIP" applications were recently funded. Out of 40 applications, 5 applications were funded, all in other districts.

NRCS is still working on clearing Doane's Pond at Palomar Mountain. Currently they are zip inning the logs off the hill. NRCS has been working with contractors because they are bidding the jobs on the mountain to low. NRCS is in the process of obtaining new bids from new sources. The current Wetlands Reserve Program "WRP" will be ongoing on Palomar Mountain until 2010.

**APPROVAL OF AGENDA:**

Bill Hutchings made a motion to approve the agenda. Seconded by Alfonso Ramos, the motion was approved.

**APPROVAL OF MINUTES:**

Bill Hutchings made a motion to approve July minutes. Seconded by Alfonso Ramos, the motion was approved.

**TREASURERS REPORT:**

July's treasurer's reports & bills were approved as read. Bill Hutchings made a motion to approve expenses. Seconded by Alfonso Ramos, the motion was approved.

## Expenses:

Admin. - \$300.00  
Pauma Valley Water - \$70.00  
Office Supplies - \$70.82

**OLD BUSINESS:**

Alfonso Ramos is still working on collecting & disposing of tires from Pauma Creek along Highway 76.

**NEW BUSINESS:**

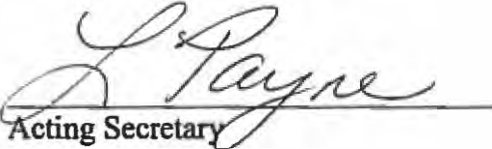
Jesse Hutchings asked Shea O'keefe if any Steelhead (fish) has been planted in the river? No one from NRCS has received confirmation on this. Shea suggested that we contact David from Fish & Game to attend a meeting and give us an update. She feels Fish & Game is our best source of information on the Steelhead.

**ADJOURNMENT:**

Motion to adjourn at 1:06 p.m. by Alfonso Ramos and seconded by Bill Hutchings.  
MEETING ADJOURNED.

**NEXT MONTHLY MEETING:**

September 10<sup>th</sup>, 2009  
Tour of Pala Wastewater Treatment Plant

  
Acting Secretary



Resource Conservation District of Greater San Diego County  
11769 Waterhill Rd., Lakeside, CA 92040

Phone: (619) 562-0096 ✉ Fax: (619) 562-4799

Website: [www.rcdsandiego.org](http://www.rcdsandiego.org)

## RESOLUTION 2015-12-08-02

### MEMORANDUM OF UNDERSTANDING BETWEEN THE RESOURCE CONSERVATION DISTRICT OF GREATER SAN DIEGO COUNTY AND THE UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

WHEREAS, it is recognized that the water resources of San Diego County are a critical aspect to the well being of citizens of San Diego County; and

WHEREAS, Resource Conservation Districts, under Division 9 of the California Public Resources Code, Section 9408, are allowed and encouraged to cooperate and enter into agreements with fellow Resource Conservation Districts to accomplish the purpose of Districts to conserve natural resources and to provide conservation education; and

WHEREAS, the Upper San Luis Rey Resource Conservation District does not currently have its own watershed protection education program and would like to meet the need for that service for its cooperators;

NOW THEREFORE BE IT RESOLVED, that a Memorandum of Understanding is entered between the Upper San Luis Rey Resource Conservation District, effective on the date of the last signature, and within the limitations of authorities, resources, and established policies of the Resource Conservation District of Greater San Diego County and its cooperating agencies, the Resource Conservation District of Greater San Diego County will:

1. Provide twelve watershed education classes to elementary schools as suggested by Upper San Luis Rey for the contract price of \$1,000. The Resource Conservation District of Greater San Diego County Watershed education will include:
  - a. Contacting the schools to establish the date and time of the watershed presentations.
  - b. Pre and post testing of the watershed materials taught.
  - c. Cost of materials used.
  - d. Cost of travel incurred.
  - e. Quarterly reports on all schools serviced, children taught, and presentation outcomes
  - f. Quarterly reports on all expenses generated with invoice for payment and items listed under 1e.

*Conserving Our Natural Resources*




Resource Conservation District of Greater San Diego County  
11769 Waterhill Rd., Lakeside, CA 92040  
Phone: (619) 562-0096 Fax: (619) 562-4799  
Website: [www.rcdsandiego.org](http://www.rcdsandiego.org)

WHEREAS, the Upper San Luis Rey Resource Conservation agrees to pay the Resource Conservation District of Greater San Diego County within thirty (30) days within invoiced.

This agreement between the two entities is subject to revision and extention based on mutual consent of the organizations and shall be in writing. Both parties have the right to terminate the agreement for cause at any time by giving sixty (60) days notice in writing to the other.

\_\_\_\_\_  
Marilyn Huntamer, President, Resource Conservation  
District of Greater San Diego County

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jesse Hutchings, President, Upper San Luis Rey  
Resource Conservation District

  
\_\_\_\_\_  
Date

**RESOLUTION 2017-09-12-02**

**MEMORANDUM OF UNDERSTANDING BETWEEN THE RESOURCE CONSERVATION DISTRICT OF GREATER SAN DIEGO COUNTY AND THE UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT-SWEEP PROGRAM**

WHEREAS, Resource Conservation Districts, under Division 9 of the California Public Resources Code, Section 9408, are allowed and encouraged to cooperate and enter into agreements with fellow Resource Conservation Districts to accomplish the purpose of Districts to conserve natural resources and to provide conservation education; and

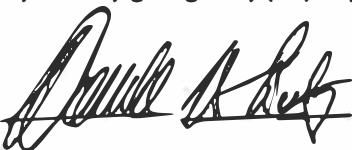
WHEREAS, the State Water Efficiency and Enhancement Program (SWEEP) provides financial assistance in the form of grants to implement irrigation systems that reduce greenhouse gases and save water on California agricultural operation; and

WHEREAS, the Upper San Luis Rey Resource Conservation District does not currently have its own staff to participate in the SWEEP program and would like to meet the need for that service for its cooperators;

NOW THEREFORE BE IT RESOLVED, that a Memorandum of Understanding is entered between the Upper San Luis Rey Resource Conservation District, effective on the date of the last signature, and within the limitations of authorities, resources, and established policies of the Resource Conservation District of Greater San Diego County and its cooperating agencies, the Resource Conservation District of Greater San Diego County will:

1. Provide CDFA SWEEP evaluations within Upper San Luis Rey territory for a service fee of 10% per evaluation payable to the Upper San Luis Rey.

This agreement between the two entities is subject to revision and extension based on mutual consent of the organizations and shall be in writing. Both parties have the right to terminate the agreement for cause at any time by giving sixty (60) days' notice in writing to the other.

  
 \_\_\_\_\_  
 Don Butz, President, Resource Conservation  
 District of Greater San Diego County

9/14/17  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Jesse Hutchings, President, Upper San Luis Rey  
 Resource Conservation District

\_\_\_\_\_  
 Date

**MEMORANDUM OF AGREEMENT  
BETWEEN THE  
United States Department of Agriculture, Natural Resources Conservation Service  
AND  
Upper San Luis Rey Resource Conservation District, State of California  
AND THE  
California Association of Resource Conservation Districts**

**I. PURPOSE**

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS) and the Upper San Luis Rey Resource Conservation District (hereafter referred to as Resource Conservation District), and the California Association of Resource Conservation Districts.

The NRCS and Upper San Luis Rey Resource Conservation District (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service;
- Recognizing conservation planning as foundational to our work and working together to meet the conservation planning assistance needs of our cooperatives/customers.
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Continuing and broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach with landowners as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

**II. BACKGROUND**

The NRCS and Upper San Luis Rey Resource Conservation District share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, their natural resource conditions, and their communities.



The first Conservation District was established in 1937 to provide local leadership in natural resources management. Resource Conservation Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering conservation technical assistance and funding to their respective communities.

### III. STATEMENT OF MUTUAL BENEFIT

**In conjunction with the NRCS, the Upper San Luis Rey Resource Conservation District coordinates and implements locally led conservation plans because of to their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and other stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.**

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning under the authority of the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. **The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts and demands. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.**

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit either party to activities beyond the scope of its respective mission and statutory authorities.

#### A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by funding. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

As funding and other resources allow, the Resource Conservation District agrees to:

- Assist NRCS in promoting USDA programs by participating in outreach and community education activities.
- Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county agricultural commissioners, and other key stakeholders apprised of District conservation activities.
- Assemble and chair the USDA local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C to encourage public participation.
- ❖ Refer to MOA Attachments, Appendix B, which is a full text of 7 CFR 610, Part C and available upon request. The language for the State Technical Committee authorized by 7 CFR 610, Part C may change, in the future, with a new farm bill. To see the latest State Technical Committee authorization, go to:

<https://www.law.cornell.edu/cfr/text/7/part-610/subpart-C>

*Legal Information Institute; Electronic Code of Federal Regulations; Title 7. Agriculture; Subtitle B. Regulations for the Department of Agriculture; Chapter VI NRCS, Subpart B, Conservation Programs; NRCS 7 CFR Subpart C-State Technical Committees.*

- Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved communities.
  - Open local working group meetings to the public and provide public notice of meetings to federal, state, Tribal entities, local agencies and community stakeholders, including using Tribal publications if they exist in the district, including historical lands.
  - Develop the agenda and associated materials/information for local working groups and distribute at least 14 calendar days prior to the meeting.
  - Develop and file local working group meeting records at the local NRCS office within 30 calendar days of the meetings.
  - Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS policy, Title 440, Part 500 - Conservation Programs Manual, Locally Led Conservation.
    - ❖ Refer to MOA Attachments, Appendix C, which is a full text of Title 440, Part 500- Conservation Programs Manual: Locally Led Conservation and is available upon request. Title 440, Part 500 -Conservation Programs Manual, Locally Led Conservation may be revised in the future. To see the latest Title 440, Part 500 - Conservation Programs Manual, Locally Led Conservation go to:
 

<https://directives.sc.egov.usda.gov/RollupViewer.aspx?hid=27712>
- Develop a conservation needs assessment through broad-based community participation and in accordance with NRCS policy and procedures. This will provide a basis for making decisions about local priorities or policies in all local conservation programs.
  - Recommend local natural resource priorities and criteria for NRCS conservation activities and programs based on the conservation needs assessment and public input.
  - Develop a Long-Range Plan every three (3) to five (5) years and an Annual Plan of Work and/or Plan of Operations each year, or as specified in state statute. These documents must incorporate local and community inputs.
  - Identify NRCS program resources, develop and implement conservation plans and work with NRCS to evaluate/measure the technical and community impacts.
  - Update NRCS on conservation activities of local and state advisory committees and community groups attended by resource conservation district board members and staff.
  - Cooperate and collaborate across other resource conservation districts, as appropriate and as permitted by state statute.

**NRCS agrees to:**

- Support outreach activities and ensure the Resource Conservation District is kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the Resource Conservation District.
- Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
  - Designate a NRCS representative to participate in Resource Conservation District meetings and events, including local working group meetings. Alternatively, NRCS will chair the local working group should the Resource Conservation District be unable or unwilling to.
  - Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- Respond to requests from the Resource Conservation District for technical guidance and assistance.

- Partner with local and Tribal entities and agencies, as well as community groups where possible, to further Resource Conservation District natural resource conservation goals and objectives.
- Attempt to align program priorities within the resource conservation district with the natural resource concerns identified by the local working group.
- Provide an annual summary of NRCS accomplishments to the Resource Conservation District.
- Work with resource conservation districts to identify NRCS program resources, develop and implement conservation practices/plans and to measure the technical and community outcomes of conservation efforts.

#### B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

The Resource Conservation District agrees to:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Utilize NRCS policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and/or other science-based technical standards as applicable to the local conservation priorities and activities.
- Leverage and promote use of USDA technologies and software applications, as appropriate.
- When implementing NRCS conservation practices on behalf of, or in partnership with NRCS, assign conservation practice job approval authority to its personnel based on employee knowledge, skill, and ability level, and within applicable laws and guidelines. Obtain NRCS concurrence for job approval for practices involving USDA authorities or programs.
- As funding and other resources allow, participate in local, state, and national opportunities for policy, program, and project development.

NRCS agrees to:

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the Resource Conservation District and communities when pending NRCS statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Evaluate non-NRCS employees and assign job approval authority in accordance with NRCS policy and consistent with State laws when districts are implementing NRCS conservation practices in partnership with, or on behalf of, NRCS.
- Provide engineering job approval, when Resource Conservation Districts are implementing NRCS conservation practices in partnership with, or on behalf of NRCS, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Provide conservation planning certification for Resource Conservation District employees, as requested, and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Create and promote opportunities for the Resource Conservation District board members and staff to participate in NRCS policy, program, and project development.

- Provide technical or other training for Resource Conservation District employees in conjunction with its own training, or as separate events. Training must be consistent with and in support of NRCS's mission objectives. As such, the principal emphasis will be on the support and delivery of field-based conservation technical assistance.

#### A. California Association of Resource Conservation Districts (CARCD)

The California Association of Resource Conservation Districts (CARCD) serves as a strong advocate, technical resource, and partner to RCDs in achieving the vision for the RCD field. CARCD builds the network and local impact of RCDs in California, strengthening locally-led conservation and stewardship of natural and agricultural resources. CARCD believes Resource Conservation Districts have greater impact working collectively than working alone and a strong State Association provides a powerful voice for their needs.

CARCD agrees to:

- Participate in State level work groups, committees, and public venues to educate partners and funders about the critical role RCDs play across communities in California.
- Work with State and Federal Agencies to define the potential for CARCD to serve as lead funding recipient in a model where partnerships with one or more RCDs will enhance strategic or program outcomes.
- Develop tools for all RCDs that want to explore the potential for greater conservation involvement and input to conservation efforts.
- Conduct surveys as needed of RCDs to identify partnership needs.
- Plan and host a state-wide Annual Conference with content driven by the conservation needs of California.
- Identify existing resources (NACD, CSDA, NRCS) for webinars and trainings focused on conservation.
- Host an online RCD-exchange portal to include an RCD directory, event calendar, communication and capacity building tools, message boards, and a Resource Library for all RCDs to provide information that can be posted.
- Develop management training series to build the capacity and competencies of District Managers to implement local conservation priorities and chair local work group meetings.
- Develop a board training series to support board effectiveness.
- Provide targeted support to regional networks.
- Develop and disseminate tools for engagement and relationship-building with government decision-makers.

#### C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance. The parties also acknowledge that resource conservation districts are subject to the California Public Records Act.

See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

### IV. GENERAL PROVISIONS

#### A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

#### B. Amendments

This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Either of the parties may terminate this MOA with a 60-day written notice to the other.

This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. The local-level MOA reflects locally developed detailed working arrangements, to include NRCS's and Resource Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific goals and objectives, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

#### C. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Office spaces and equipment/supplies
- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

#### D. Other

This MOA is not intended to, and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

All activities, funded by the NRCS, shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

**Acknowledgement of Requirements for Protection of Privacy of Personal and Geospatial Information  
Relating to Natural Resources Conservation Service Programs**

**SEC. 1619. INFORMATION GATHERING. (Appendix C – Section 1619 of the 2008 Farm Bill)**

- (a) **GEOSPATIAL SYSTEMS.** — The Secretary shall ensure that all the geospatial data of the agencies of the  
(b) Department of Agriculture are portable and standardized.

**(b) LIMITATION ON DISCLOSURES. —**

**(1) DEFINITION OF AGRICULTURAL OPERATION.** — In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

**(2) PROHIBITION.** — Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

**(3) AUTHORIZED DISCLOSURES. —**

**(A) LIMITED RELEASE OF INFORMATION.** — If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

**(4) EXCEPTIONS.** — Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

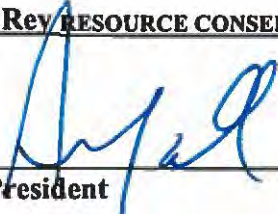
(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

**(5) CONDITION OF OTHER PROGRAMS.** — The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph

**(6) WAIVER OF PRIVILEGE OR PROTECTION.** — The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

**V. SIGNATURES**

**Upper San Luis Rey RESOURCE CONSERVATION DISTRICT**

Signature:  Date: 10/8/2020  
Andrew Lyall, President

**CALIFORNIA ASSOCIATION OF RESOURCE CONSERVATION DISTRICTS**

\_\_\_\_\_  
Don Butz, President Date: \_\_\_\_\_

**USDA NATURAL RESOURCES CONSERVATION SERVICE**

\_\_\_\_\_  
Carlos Suarez, State Conservationist Date: \_\_\_\_\_

EXHIBIT 4: PHOTOS OF HISTORIC USLRRCD CONSERVATION, FLOOD CONTROL, EROSION PREVENTION, AND AGRICULTURAL ENHANCEMENT PROJECTS

- All Photos are of projects constructed by USLRRCD, in cooperation with NRCS and other public and private stakeholders, between approximately 1990 and 1998





Conservation, Flood and Sediment Control and Agricultural Enhancement Project

Farmer was experiencing significant flooding and sedimentation on his property. USLRRCD and NRCS constructed new drainage facilities and a pond to prevent harmful runoff and erosion of farmlands, to conserve water, and to prevent degradation of downstream water quality.



APPENDIX 2B



Flood and Erosion Control Project

USLRRCD and NRCS built culvert out of rocks and wire to divert excess runoff that was causing excess soil erosion, and to mitigate flooding





Design and Construction of Reservoir and Culvert in and Around Pauma Valley Country Club

Addressing a long standing flooding problem that was depositing debris and eroded sediment onto the golf course, USLRRCD and NRCS designed and constructed a culvert and reservoir project to resolve the problem. Now excess water and sediment during high flows goes into the small reservoir and the sediment is periodically removed. The water conserved is available for reuse.



APPENDIX 2B





USLRRCD and NRCS constructed dam and culvert on Rincon Reservation in order to prevent flooding of Paradise Creek Road



**From:** [Kim Thorner](#)  
**To:** [Simonds,Keene](#)  
**Cc:** [Jack Bebee](#); [Paul Bushee](#)  
**Subject:** Update from the SDLAFCO SDAC Ad Hoc Subcommittee on the USLRRCD participate in a GSA  
**Date:** Thursday, March 04, 2021 12:00:39 PM

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Keene - The *San Diego LAFCO Special District's Advisory Ad Hoc Subcommittee on Upper San Luis Rey RCD's participation in a GSA*, consisting of myself, Jack Bebee, and Paul Bushee, had the opportunity to conduct a second Zoom meeting on 03/02/2021.

The purpose of our meeting was to further discuss and refine the questions that our Ad Hoc Subcommittee had after our first meeting in February and to review and discuss the letters and information from both Mr. Llyod Pelman representing the San Luis Rey Indian Water Authority and also from the Yuima Municipal Water District in conjunction with the Upper San Luis Rey RCD (USLRRCS) and the Pauma Valley Community Services District.

One of the main questions that our Ad Hoc Subcommittee discussed at length was whether or not the Upper San Luis Rey RCD was providing 'water management' functions in the year 2000 or prior. Based on the information provided, we note that Upper San Luis Rey RCD provided documentation that it was providing water management functions back to at least the early 1990's and as shown specifically in 1998 via agreements with National Resource Conservation Services and others thereafter. Water quality, water conservation, watershed education and watershed protection are all water management functions that have been and continue to be offered by the Upper San Luis Rey RCD, as supported by the documentation provided.

We also noted that pursuant to LAFCO's own Rule 4.4, neither groundwater management nor water distribution are listed as functions. Rule 4.4 only lists "Water" with "Retail, Wholesale, Replenishment and Injection" as functions. We again believe that rule 4.4 should be updated to reflect current industry terms and functions.

If USLRRCD planned on extracting water, replenishing water, installing any pipes, etc., we agree that they would need to come to LAFCO to ask for permission to activate these powers. Mere participation at the water management level in a SGMA GSA does not require an additional activation of powers, as we believe that USLR RCD has been practicing water management via conservation, protection and education programs since before 2000.

We wanted to get you our thoughts and input at this time. Please let us know if you would like to have another meeting with the LAFCO staff to follow up and discuss further. Thank you, Kim Kimberly A. Thorner, Esq.

General Manager

Olivenhain Municipal Water District

**From:** Kim Thorner  
**Sent:** Monday, February 01, 2021 8:38 AM  
**To:** Blom, Erica  
**Cc:** Simonds,Keene  
**Subject:** Public Comment on Item 6a today at LAFCO

I would like to submit the following public comment on Item 6a, as I am unfortunately not able to attend the meeting in person this morning.

Good Morning Commissioners, My name is Kimberly Thorner, Chair of the LAFCO Special District Advisory Committee. I apologize that I am unable to attend the meeting this morning, but I wanted to state my support for the Staff recommendation to process an addendum to the MSR on Item 6a, to further evaluate the Upper San Luis Rey RCD's ability and eligibility to participate in a Groundwater Sustainability Agency. This issue arose during the Municipal Service review process and is an important one that needs to have some additional time and a deep dive as it may be precedent setting. The Special District Advisory Committee established a subcommittee to evaluate this issue and we have asked for additional information and research to answer the questions of whether San Luis Rey's water conservation or other powers were active when it entered into the GSA and if they require LAFCO approval to activate necessary powers to participate in the GSA. The subcommittee plans on meeting in February with a recommendation in March, if you approve the staff recommendation before you today. Thank you for the opportunity to comment.

Kimberly A. Thorner, Esq.  
General Manager  
Olivenhain Municipal Water District



# Pauma Valley Groundwater Sustainability Agency

VIA FIRST CLASS MAIL AND EMAIL

December 23, 2021

E. Joaquin Esquivel, Chair  
 State Water Resources Control Board (SWRCB)  
 P.O. Box 100  
 Sacramento, CA 95812  
[Joaquin.Esquivel@waterboards.ca.gov](mailto:Joaquin.Esquivel@waterboards.ca.gov)

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Eileen Sobeck, Executive Director  
 State Water Resources Control Board  
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**RE: Response to San Luis Rey Indian Water Authority/Nossaman LLP letters dated November 19 and December 3, 2021 Regarding Upper San Luis Rey Valley Groundwater Sub-Basin**

Dear Chair Esquivel, Director Nemeth and Executive Director Sobeck:

We write together on behalf of Yuima Municipal Water District (“Yuima”), as the administrator of the Pauma Valley Groundwater Sustainability Agency (“PVGSA”), and for the Upper San Luis Rey Resource Conservation District (“RCD”), the PVGSA member agency with the largest geographic service area within the GSA. These comments are submitted on behalf of the PVGSA, Yuima and RCD, and are in addition to the comments submitted earlier this week by the General Counsel of the Pauma Valley Community Services District (“PVCSD”), comments which we join.<sup>1</sup>

On November 19, 2021, and again on December 3, 2021, you received correspondence from Nossaman, LLP (“Nossaman”), on behalf of the San Luis Rey Indian Water Authority (“SLRIWA”), and SLRIWA President Bo Mazzetti, seeking State Water Resources Control Board (“SWRCB”) intervention and early action to declare the Upper San Luis Rey Valley Sub-Basin (the “Sub-Basin”) of the San Luis Rey Valley Groundwater Basin (“Basin”) probationary. Such requested action would be unprecedented, coming a little over a month away from the deadline for submission of groundwater sustainability plans to DWR. It would also have no legal basis—depriving local agencies who have worked diligently as the PVGSA, in consultation and collaboration with stakeholders throughout the Sub-Basin and Basin, from submitting a Groundwater Sustainability Plan (the “GSP”) that will, if approved by DWR, result in sustainable groundwater management in the Sub-Basin for many years to come. For the SLRIWA, SGMA is seemingly not about sustainability, or even necessarily about groundwater. It is instead primarily a venue to seek legal recognition of preemptive federal reserved water rights (FRWR), which if recognized in the manner sought by SLRIWA, e.g., via a GSP—and without prior recognition and

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<sup>1</sup> PVCSD wrote separately to express its concerns with recent SLRIWA Correspondence in a letter dated December 20, 2021. PVCSD’s correspondence is attached hereto, and incorporated herein by reference, as Exhibit A.

quantification by a court—would potentially eviscerate not only the adjudicated state law water rights of local agencies in the Sub-Basin, but also potentially the SWRCB’s own future permitting and management authority for basins that include tribal lands throughout California. It is a slippery slope that Nossaman and SLRIWA ask the SWRCB and DWR to go down—one with no legal precedent. FRWR must be fully respected per SGMA, but “respected” in SGMA plainly does not have the same meaning as “adjudicated.” That distinction is at the heart of the disagreement between PVGSA and SLRIWA. Disagreements regarding water rights aside, Yuima and the other members of the PVGSA stand ready to work with the SLRIWA, the SWRCB, DWR, and all other interested parties to finalize and implement a GSP that maintains local control while preventing undesirable results in the Sub-Basin.

At the outset, please accept our apology for not responding to the SLRIWA correspondence sooner. Unfortunately, given the imminent deadlines imposed by the Sustainable Groundwater Management Act (“SGMA”), the priority of the PVGSA has—by necessity—had to be towards completing the draft GSP for the Sub-Basin, making the GSP available for public review, and completing stakeholder outreach, all ahead of the statutory deadline of January 30, 2022.

By this correspondence, we seek to clarify several significant inaccuracies and omissions in the correspondence from SLRIWA. Per SLRIWA’s request, we will be including the SLRIWA, and the sixteen individuals included in the recipient list of their November 19th correspondence, on this and future written correspondence with the SWRCB and DWR. However, we’d respectfully ask that the SLRIWA be directed to extend the same courtesy to PVGSA since it appears the SLRIWA correspondence of December 3 was sent to state officials without copying Yuima or any of the other members of the PVGSA.<sup>2</sup> Transparency in government is invaluable, but it is a two way street that only works if all of the pertinent competing interests agree to be transparent in their communications—particularly where state agencies are involved. On that note, Yuima, on behalf of the PVGSA and its member agencies, would also request a meeting with the SWRCB and DWR, ideally with representatives of the SLRIWA present (to bring about the transparency that SLRIWA asserts it desires), so that all interested parties can communicate their understanding of what has transpired, the pertinent legal authorities, and how the Parties can hopefully move forward together collaboratively towards sustainability in the Sub-Basin.

### **PVGSA Has Continuously Operated as a GSA Created Via Memorandum of Understanding (MOU) Since PVGSA’s Creation in 2017**

SLRIWA argues in its correspondence variously that the PVGSA: (1) was not formed as a real GSA (despite previously acknowledging the legitimacy of, and agreeing to participate in, a PVGSA composed of the exact same members); (2) was formed after the SGMA deadline per an entirely new MOU; (3) or is somehow invalid because one of its members has not been specifically recognized by the San Diego County LAFCO as having groundwater management authority.<sup>3</sup>

<sup>2</sup> Our understanding is that SLRIWA has been lobbying the SWRCB, DWR, the Governor’s Office, members of the California Assembly and Senate, and local officials in San Diego County, in person and in writing, for several years regarding the matters addressed in the SLRIWA and Nossaman Correspondence of the last month. None of these communications have been shared with PVGSA.

<sup>3</sup> SLRIWA omits the fact that few, if any, SGMA “local agencies” statewide have been specifically recognized, through a LAFCO process, as having groundwater management authority. This is not a surprise. The Legislature did not require a LAFCO process before a Water Code §10721 eligible local agency becomes part of a GSA. SGMA simply requires that a local agency desiring to manage groundwater per SGMA have water supply, water management or land use responsibilities within the basin/sub-basin the agency overlies before participating in a GSA. (Water Code §§ 10721; 10723;

All of these arguments are incorrect. PVGSA was Lawfully Created in 2017 by a Memorandum of Understanding between the County of San Diego (“County”), Yuima, PVCSD, and RCD (hereinafter the “2017 MOU”). Though the County subsequently withdrew from PVGSA in 2019, with SLRIWA’s concurrence, the other three voting member agencies of PVGSA have not changed since 2017.

Since 2017 there have been two amendments to the 2017 MOU, neither of which changed the fundamental structure and governance of the GSA. The First Amendment, dated June 1, 2020—and uploaded to the SGMA Portal on July 17, 2020—addressed the withdrawal of the County from the PVGSA. The First Amendment also made Yuima the lead agency of the GSA in the County’s stead so that Yuima could administer the GSP development and procurement process within the Sub-Basin—with the advice and recommendations of an Executive Committee created by the 2017 MOU. The Second Amendment, dated June 1, 2021 and uploaded to the SGMA Portal on September 15, 2021, made minor revisions necessitated by the legislative basin boundary change requested and obtained by SLRIWA. The passage of SLRIWA sponsored AB1944 and SB 779, and DWR’s subsequent reclassification of the Lower Sub-Basin of the San Luis Rey Valley Groundwater Basin as very low priority, necessitated two minor revisions to the 2017 MOU: (1) revision of the definition of the “Pauma Valley Sub-Basin” to account for modifications directed by Water Code Section 10722.5(a); (2) revision of the map attached to the 2017 MOU to reflect the reduced management area resulting from DWR’s reclassification of the Lower Sub-Basin as very low priority. The structure, members, and GSP development process, however, have remained the same.

Nossaman asserts that the “new GSA” does not appear to have any publicly available bylaws. There are a number of problems with this assertion. First, the GSA is not newly formed. It is, as explained above, and as is apparent from review of the Amended 2017 MOU (enclosed herewith as Exhibit B), simply a continuation of the same GSA formed in 2017 and accepted by DWR via the SGMA Portal. The 2017 MOU specifically allows and contemplates amendment of the existing MOU to permit addition and withdrawal of SGMA eligible local agencies and adjustments to governance structure as may be agreed upon by the PVGSA member agencies. Second, GSAs are not required by SGMA, or its implementing regulations, to have bylaws, so the absence of PVGSA bylaws is hardly surprising.

The SLRIWA letter further states that it has been their consistent position that the Bands wish to form a partnership with State and local government. Their actions indicate otherwise—at least as pertains to relations with their neighbors in the Pauma Valley. The SLRIWA assertion that they offered to pay \$400,000 towards preparation of a GSP is misleading at best. SLRIWA and its members never paid for any of the costs associated with GSA formation and GSP development, and they have sought to obstruct and prevent the completion of the GSP at every turn for the last two years. SLRIWA negotiators did make statements to the effect that they’d potentially be willing to contribute up to \$400,000 towards GSP development, but the 2019 MOU between local agencies and the SLRIWA specified that SLRIWA would pay \$150,000 towards development of the GSP, not \$400,000. As indicated above, SLRIWA ultimately paid nothing, and the parties reached impasse that obviated efforts by Yuima to try and collect the funds that SLRIWA failed to place on deposit.

As explained in greater detail in PVCSD’s correspondence of December 20, 2021, attached hereto as Exhibit A, the 2019 demand of the SLRIWA to adjudicate and quantify SLRIWA’s asserted FRWR within the GSP itself, which the SLRIWA has previously asserted amounts to the entire safe yield of

10723.6.) All three members of the PVGSA demonstrably have existing water management or water supply responsibilities within the Sub-Basin and are happy to provide evidence and authority on this point if desired.

groundwater in the Upper Sub-Basin, was legally and practically untenable. Adjudicating FRWR is the task of a court,<sup>4</sup> often with the assistance of a special master, and not at all the proper role of a GSA. The SLRIWA's position asserted in 2019, to wit that the GSP must identify and quantify all of the FRWR claimed by SLRIWA's members, understandably led to stalemate. However, even with impasse, the door remained open to SLRIWA participating in the PVGSA in a voting or non-voting capacity, and that remains the case. Tribal entities were never ejected or in any way kept from participating in the GSA or the GSP development process. As explained below, and as evidenced in the correspondence enclosed herewith as Exhibit D, the opposite is true. Beginning with Yuima's invitation to SLRIWA of July 1, 2020 offering SLRIWA the opportunity participate as an ex-officio member on the GSA Executive Team (or in whatever role the Tribes felt comfortable participating), and continuing on to a rebuffed invitation to participate in a DWR sponsored facilitation effort, and including repeated invitations by PVGSA for SLRIWA to attend each GSA Executive Team and Stakeholder Outreach Meeting over the last eighteen months (see documentation of prior tribal outreach, attached hereto as Exhibit D), the SLRIWA has not been willing to form the aforementioned partnership with the local government agencies in the Pauma Valley that would allow PVGSA members and SLRIWA members to sustainably manage the Basin via a collaboratively developed GSP. Indeed, the SLRIWA has exhibited a persistent desire to eliminate and prevent local control over groundwater in the Sub-Basin. This is not the process and approach that SGMA envisions.

### **Allegations Regarding the 2019 MOU Regarding Tribal Participation in Development of a GSP**

The agreement entitled Memorandum of Understanding for Phase I: Data Collection for Development of a Groundwater Sustainability Plan for the Upper San Luis Rey Groundwater Subbasin (2019 MOU, enclosed as Exhibit C), was signed by the SLRIWA, Yuima, PVCSD, RCD, Pauma Municipal Water District, Valley Center Municipal Water District and Rainbow Municipal Water District and became effective March 21, 2019. Although SLRIWA asserts that the 2019 MOU contained a workable governance structure for the Basin, in actuality, section 2 (d) of the 2019 MOU specifically states “[t]his MOU is solely for the above described purposes. The Parties may negotiate and enter into separate agreement(s) related to governance of a groundwater sustainability agency and other issues beyond the scope of this MOU.” The scope of the MOU was to perform data collection and determine a consultant selection process, not to amend the governance of the existing GSA created by the 2017 MOU. The 2019 MOU specifically recited that it did not change the existing GSA governance structure, and it was never filed on the DWR SGMA Portal. It is essentially a separate agreement between SLRIWA and other local entities pertaining to the selection of a GSP consultant that ultimately could not be carried out because the agreement did not specify how stalemate over consultant selection and scope of work could be resolved in the absence of consensus. As indicated above, SLRIWA wanted the GSP Consultant's scope of work to include adjudication of their asserted FRWR, and, for the reasons provided above, and in Exhibit A, the local agencies could not agree to SLRIWA's demand.

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<sup>4</sup> SLRIWA members have extensive existing access to water (native and foreign), and the ability to take as much water as they want for tribal purposes from the Sub-Basin without interference from the PVGSA. The asserted FRWR of SLRIWA members have not been adjudicated. FRWR are extremely complex. They only apply to tribal lands withdrawn from the public domain, and they provide tribal entities with the minimum amount of water needed to fulfill the primary purpose of the reservation. FRWR have—to Yuima's knowledge—never been adjudicated for the purpose of supplying water off reservation or for water transfers to non-tribal members, the primary purposes for which SLRIWA seeks to assert FRWR.

### **Material Changes to the 2017 MOU and White Space Concerns**

DWR has explained to Yuima that if a new agreement included a material change from a prior agreement it would be necessary for PVGSA to initiate a new public notification and hearing process; however, DWR also stated that the GSA determines if there has been a material change. Nossaman incorrectly asserts that the PVGSA has violated SGMA by not initiating a new public notification and hearing process when PVGSA members amended the 2017 MOU. Nossaman misreads the requirements of SGMA. First, as previously discussed herein, the prior changes to the 2017 MOU were not material. Second, even if they were material, section 10723.8 (c) of the Water Code (which is the only portion of SGMA that references the term “material change”) only pertains to the process for resolving overlap in GSA filings so that one GSA can be deemed “exclusive”. Section 10723.8 (c) is only pertinent when SGMA eligible local agencies are deciding to *establish an entirely new GSA*, not when they amend an existing governance MOU, per its terms, for an existing GSA. To hold otherwise, has the potential to throw existing GSA’s throughout California into disarray—as nearly all GSAs will at some point need to make modifications to boundaries, governance, and other pertinent terms and conditions in their respective agreements after submission of their respective GSPs. Could the Legislature have really intended that making any boundary change, adding or subtracting any new member, or enforcing any new power granted by SGMA, would necessitate that a GSA created in 2017 must hit the “start over” button, particularly after a GSP developed and submitted by that same GSA has already been submitted to DWR. SLRIWA’s draconian interpretation doesn’t accord well with the plain language of Water Code Section 10723.8 or the overall intent of SGMA; to wit, to provide maximum flexibility to local agencies to configure themselves in a way that facilitates cooperative sustainable groundwater management.

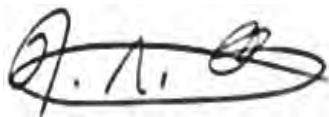
PVGSA is aware of concerns regarding minor “white spaces” in GSA coverage created by the withdrawal of the County from the PVGSA, a concern reiterated by SLRIWA in its Correspondence. PVGSA is actively working on solutions to the white space issue, and those solutions will be discussed in detail in the GSP submitted to DWR prior to January 30, 2022.

### **The PVGSA Has Been Transparent and Complied With All Applicable Laws During the Preparation of the GSP**

Contrary to SLRIWA’s contentions, there has not been a lack of transparency relative to the development of the GSP for the Sub-Basin. PVGSA has fully complied with all requirements of the 2017 MOU, PVGSA’s stakeholder outreach plan, and all other legal requirements with regard to interface with the SLRIWA, its members, and the public generally. The PVGSA was created by an MOU, and it’s Executive Team is not a separate public agency subject to the Brown Act. The meetings of PVGSA’s individual member agencies are subject to the Brown Act, and Yuima will be approving the GSP, after observing all requirements of the Brown Act and SGMA. However, the Brown Act has never applied to the Executive Team as alleged by Nossaman. Access to Executive Team meetings is governed by the terms of the 2017 MOU, as amended, as well as PVGSA’s stakeholder outreach plan. In any event, not only has the GSA posted all of its Executive Team and Stakeholder Outreach meetings 72 hours prior to the meetings and sent personal emails to every registered interested stakeholder, but the SLRIWA has been invited to all Executive Team meetings and refused to attend (see Exhibit D). The GSA consultant contracts were not approved by the GSA. They were approved by Yuima who holds the consulting contract and the mechanism for oversight and accountability for State grant funding. All required quarterly reports and invoicing has been completed as required by Yuima, and will continue to be.

Thank you for considering our comments, and we look forward to meeting and hopefully discussing these important matters in the near future. Perhaps more importantly, PVGSA very much looks forward to submitting the high quality GSP it has prepared to DWR, a GSP that will protect against the undesirable results SGMA seeks to prevent.

Very Respectfully Submitted,



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Yuima Municipal Water District  
Rutan & Tucker LLP



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December 20, 2021

**VIA FIRST CLASS MAIL AND EMAIL**

E. Joaquin Esquivel, Chair  
Honorable Board Members  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Karla Nemeth  
Director  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94235-0001

Re: Sustainable Groundwater Management Act (“SGMA”) Implementation,  
Upper San Luis Rey Valley Groundwater Subbasin

Dear Chair Esquivel, Honorable Board Members, and Director Nemeth:

The Pauma Valley Community Services District (CSD) would like to take this opportunity to respond to several of the comments in the November 19, 2021 letter submitted to you by the Nossaman firm on behalf of the San Luis Rey Indian Water Authority (IWA). These comments supplement, and are in addition to, comments that may be submitted by the Yuima Municipal Water District (“Yuima”), the San Luis Rey Valley Resource Conservation District (“SLRRCD”), and the Pauma Valley Groundwater Sustainability Agency (“PVGSA”).

The Nossaman letter asserts that the “SLRIWA expressed the view of Tribal interests that the scope of work of the [hydrogeological] consultant developing the GSP must include water rights issues, in light of SGMA’s express recognition that ‘federally reserved water rights to groundwater [must] be respected in full’” and that “[o]ther parties to the MOU objected and insisted that there should be no mention of water rights in the consultant’s scope of work.” (SLRIWA Letter, p. 2.)

The CSD’s objection to tasking a hydrogeological consultant with undertaking a review of water rights for the Pauma and Pala Valleys as part of its work was based upon a number of factors:

- SGMA’s description of the required contents of a GSP nowhere includes a requirement to evaluate water rights. Water Code, sections 10727, 10727.2; SGMA GSP Regulations, Art. V. To the contrary, SGMA is clear in its mandate that



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nothing in SGMA determines or alters water rights (Water Code, sections 10720.5(b), 10726.8(b)).

- While a GSA does have discretionary authority to investigate groundwater rights under the SGMA powers accorded a GSA (Water Code, section 10725.4(b)) and to establish groundwater allocations (Water Code, section 10726.4(a)(3)), such powers appear to arise only after a GSP has been submitted to DWR. Water Code, section 10725 (a GSA “may exercise any of the powers described in this chapter, if the groundwater sustainability agency adopts and submits to the department a groundwater sustainability plan”). The CSD is aware that GSAs in several critically overdrafted basins were able to successfully negotiate water allocations as part of their GSPs. However, those negotiated allocations were voluntary, supported by most or all pumpers, and have not—to our understanding—involved assertions of federally reserved water rights.
- In 2019, the CSD anticipated that any attempt to address non-adjudicated water rights issues in a GSP (without consent of all pumpers) would be a costly and legally perilous undertaking. And, indeed, that concern has proven out in other basins. The CSD understands that attempts by GSA’s in other areas of the state, such as the Indian Wells Valley (where federal reserved rights are at issue), western Ventura County, and Madera County to evaluate water rights and establish water allocations administratively—using teams of professionals, attorneys and policy makers to conduct myriad analyses—took years to accomplish and were immediately subject to legal challenge, including the filing of lawsuits raising takings and other claims by private landowners.
- As the CSD shared with the other GSP planning participants in 2019, even if a water rights investigation and analysis were a required part of a GSP—which it is not—a hydrogeologic consultant is not qualified to conduct such an investigation. Water rights issues are, of course, very complex, even as between a small number of parties. They often involve complicated legal, policy and historical issues. As evidenced by: (1) the years of work of the Fox Canyon Groundwater Management Agency to try to establish allocations in Ventura County, which were challenged in court and precipitated several adjudications; and (2) the State Water Resources Control Board’s multi-year work in the Pauma and Pala Valleys in the 1990’s and early 2000’s regarding the more discrete question of whether local underground water constituted underflow within the jurisdiction of the Board or percolating groundwater (D-1645), water rights-related questions can take years or decades to fully analyze, including in the Pauma area.





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- One idea also shared by SLRIWA or others in the GSP planning process in 2019 was that the hydrogeological consultant could contact each pumper in the Valley to inquire about what their legal basis of water right is and how much water each believed they hold. To the CSD, the notion that each pumper in the Valley large or small (represented by legal counsel or not) would be approached by a public agency (i.e., GSA) hired consultant without water rights expertise, asked about what its water rights might be (educated on the matter or not), with the idea that such pumpers might believe they were compelled to answer a public agency inquiry, and potentially feel as though any answer they might give to a consultant preparing a GSP to be adopted by a GSA might compromise or waive claims regarding their water rights in the future, was an alarming idea, on legal, political and other fronts. The CSD believed such questioning would, at a minimum, garner bad will among private pumpers and potentially frustrate the ability of the GSA to implement the GSP and reach sustainability going forward.
- The idea that a hydrogeological consultant hired to conduct scientific, technical work could or should undertake a water rights analysis (for, as we recall from the proposed scope of work, an \$18,000 total charge) seemed inappropriate and unwise to the CSD. And, the suggestion that a GSA would then formally include or adopt the outcome of this “water rights” analysis as part of the final GSP appeared directly contrary to SGMA’s direction. It also appeared to constitute an invitation for the final GSP to be challenged by any pumper or other interested party who might disagree with such analysis. Other GSA members agreed with that position.
- Due to the complexity of water rights issues in the Pauma Valley, the CSD offered as an alternative approach in 2019 to help to convene a working group to address water rights issues in a more comprehensive and meaningful fashion. The CSD suggested that such a group should include, in addition to some or all of the public agency GSA members and the SLRIWA, representatives of those who currently produce most of the water from the Subbasin, namely, agricultural pumpers, who may be the primary holders of state law water rights in the Valley. The SLRIWA rejected this offer.
- The CSD recognizes SGMA’s prescription to fully respect tribal federally reserved water rights in the management of a groundwater basin. (Water Code, section 10720.3(d).) The CSD further acknowledges that, absent express agreement from tribal authorities, the GSA has no legal or other authority over groundwater production on sovereign lands, that the Bands can, do, and will produce the groundwater they need to meet reservation purposes without GSA interference, and that the groundwater rights of the member Bands of the SLRIWA have not been



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quantified. As a result of these circumstances, the draft GSP expressly references tribal federally reserved water rights.

- The Draft GSP also acknowledges that while total groundwater production in the Subbasin is currently nearly in balance, that circumstance could change over time, particularly if the Bands increase their production. To that end, the GSP recognizes the need to accommodate current and future pumping by the Bands to meet the primary needs of their reservation lands. While the Draft GSP must make assumptions about estimated current and future tribal pumping levels in order to meet the terms of SGMA and the GSP regulations (e.g., GSP Regulations, section 354.18(c) (regarding projected water budgets)), the CSD recognizes that the Bands have no duty to provide their existing pumping levels or future projections to the GSA, thus leaving a data gap in the planning effort. Accordingly, the draft GSP does the best it can with the information available, and the PVGSA will continue to seek data from the Bands and the SLRIWA to the extent they are willing to share such data.
- The CSD's view of the required contents of a GSP when unquantified federally reserved water rights are at issue was also influenced by DWR's review of a similar issue in the Coachella Valley. There, two water agencies submitted a pre-existing water management plan as a SGMA alternative in 2017. During the public comment process, the Agua Caliente Band of Mission Indians posted a comment letter on the SGMA Portal raising issues asserting that the Alternative purportedly lacked a sufficient analysis of federal reserved water rights. In response, DWR issued its Alternative Assessment Staff Report for the Coachella Valley-Indio Subbasin, which approved the Alternative and determined:

*"In addition to the reasons stated above, Department staff acknowledge that there are important issues with how groundwater is managed in the Indio Subbasin that still need to be resolved. With regard to the issue of federally-reserved groundwater rights, Department staff recognize that ongoing management of the Subbasin will need to account for the groundwater usage based on those rights. Department staff found the information regarding current and future groundwater use to be sufficient and credible. To the extent groundwater use in the Indio Subbasin changes significantly due to reliance on federally-reserved groundwater rights, or the Agencies' ability to manage the Subbasin is significantly affected by the outcome of current litigation, then the Department will likely have to reassess the Alternative's ability to satisfy the objectives of SGMA. At this time, however, it is not known with any reasonable degree of certainty when the litigation will be ultimately resolved, what the outcome of the litigation will be, or how that outcome will affect groundwater management throughout the Coachella Valley. As such,*



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*Department staff find the Alternative's current approach to managing the Subbasin, including its understanding of current and future groundwater usage, to be reasonable and likely to achieve sustainable groundwater management, while also acknowledging that the current approach may need to change in order to respect federally-reserved groundwater rights in full."*

[https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Alternatives/Files/ExistingPlans/Indio/03\\_Indio\\_Staff\\_Report.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Alternatives/Files/ExistingPlans/Indio/03_Indio_Staff_Report.pdf)

As a result of this DWR analysis of the Indio Subbasin Alternative Plan, the CSD's view was that in order for the GSP to pass muster with DWR, focus should be placed first on ensuring Subbasin sustainability and using available information, rather than speculating on future outcomes regarding water rights.

For the above reasons, the CSD and other members of the GSA in good faith took the positions they did regarding the proper scope of work for the hydrogeological consultant—in full compliance with DWR regulations for GSP preparation. In our view, water rights analyses and a determination of the scope of asserted federal reserved water rights are beyond the scope of what is required or appropriate for a GSP.

The CSD, as a member of the PVGSA, continues to welcome the participation of the SLRIWA in GSP adoption and implementation efforts. The CSD also understands the legal positions of the SLRIWA as expressed in its letter. The SLRIWA and its member Bands undoubtedly have a legitimate interest regarding local groundwater and the Subbasin and its future sustainable use, and that is why CSD, and its fellow members in the PVGSA continue to hope that the SLRIWA will resume participation in the GSA.

The CSD continues to be hopeful that a solution to the issues at play can be achieved to the satisfaction of the local agencies, the SLRIWA and its tribal members.

Sincerely,

Steve M. Anderson  
of BEST BEST & KRIEGER LLP

SMA:smb

cc: See attached Service List

Exhibit B
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**MEMORANDUM OF UNDERSTANDING  
DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN  
FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN**

This Memorandum of Understanding for the Development of a Groundwater Sustainability Plan (“Plan”) for the San Luis Rey Valley Groundwater Basin (“MOU”) is entered into and effective this 27 day of June, 2017 by and between the Pauma Valley Community Services District (“Pauma Valley CSD”), Upper San Luis Rey Resource Conservation District (“USLRRCD”), Yuima Municipal Water District (“Yuima MWD”) and the County of San Diego (“County”). The Pauma Valley CSD, USLRRCD, Yuima MWD and the County are each referred to herein as a “Party” and are collectively referred to herein as the “Parties”.

**RECITALS**

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”) found at California Water Code Section 10720, *et seq*; and

WHEREAS, SGMA went into effect on January 1, 2015; and

WHEREAS, SGMA seeks to provide sustainable management of groundwater basins, enhance local management of groundwater, establish minimum standards for sustainable groundwater management, and provide local groundwater agencies the authority and the technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, the Parties have each declared to be a Groundwater Sustainability Agency (“GSA”), per Section 10723.8 of SGMA, overlying portions of the Pauma Valley Subbasin of the San Luis Rey Valley Groundwater Basin (“SLR Basin”) [Figure 1], identified as Basin Number 9-7, a Bulletin 118 designated medium-priority basin; and

WHEREAS, Section 10720.7 of SGMA requires all basins designated as high- or medium-priority basins designated in Bulletin 118 be managed under a Plan or coordinated Plans pursuant to SGMA; and

WHEREAS, Section 10720.7 of SGMA requires all high- and medium-priority basins be managed under a Plan by January 31, 2022; and

WHEREAS, the California Department of Water Resources (“DWR”) has identified the SLR Basin as medium priority; and

WHEREAS, each Party has statutory authorities that are important to groundwater management and SGMA compliance and are all local agencies who are eligible to serve as a GSA within their respective service areas; and

WHEREAS, Section 10720.3 of SGMA provides that a federally recognized Indian tribe may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan; and

WHEREAS, the Parties wish to use the authorities granted to them pursuant to SGMA and utilize this MOU to memorialize the roles and responsibilities for developing the Plan; and

WHEREAS, it is the intent of the Parties to eliminate any overlap by forming a multi-agency GSA, via this MOU (and per Section 10723.8(c) of SGMA), within the Pauma Valley Subbasin of the SLR Basin and collectively developing and implementing a single Plan to sustainably manage the Pauma Valley Subbasin in the SLR Basin; and

WHEREAS, the Parties recognize that this MOU does not confer additional powers or authorities to a Party outside of that Party's jurisdictional boundaries, as shown on Figure 2; and

WHEREAS, it is further the intent of the Parties to cooperate in the successful implementation of the Plan not later than the date as required by SGMA for the SLR Basin; and

WHEREAS, the Parties wish to memorialize their mutual understandings by means of this MOU; and

NOW, THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Pauma Valley CSD, USLRRCD, Yuima MWD and the County hereby agree as follows:

### **I. Purposes and Authorities**

#### 1. Purpose:

- a. This MOU is entered into by the Parties for the purpose of establishing and operating as a multi-agency GSA and cooperating to develop a single Plan for the SLR Basin (Figure 1) pursuant to Section 10727 *et seq.* of SGMA.
- b. The Parties intend to develop and implement a single Plan as expeditiously as possible to sustainably manage the Pauma Valley Subbasin of the SLR Basin that complies with the requirements set forth in SGMA and its associated implementing regulations.
- c. It is the intent of the Parties to operate as a single, multi-agency GSA to develop the Plan in accordance with Section IV of the MOU. The Parties intend to further refine and memorialize roles and responsibilities for Plan implementation during preparation of the Plan. Future amendments to this MOU may include considerations of long-term funding and alternative GSA governance structure(s) by mutual agreement of the Parties.

2. Authorities: The Parties recognize that the authorities afforded to a GSA pursuant to Section 10725 *et seq.* of SGMA are in addition to and separate from the statutory authorities afforded to each Party individually.

### **II. Definitions.**

As used in this MOU, unless context requires otherwise, the meanings of the terms set forth below shall be as follows:

1. "Consensus" as used in this MOU shall mean the concurrence of each Party of the Executive Team on any given decision.
2. "Cost Recovery Plan" refers to an evaluation of fee recovery options and proposed fee recovery alternative(s) that may, assuming all legal prerequisites are first

satisfied, be available to GSAs pursuant to Sections 10730 and 10730.2 of SGMA. Cost Recovery Plan, as used in this MOU can include a no-fee recovery option.

3. "County" refers to the County of San Diego, a Party to this MOU.
4. "County Board" refers to the San Diego County Board of Supervisors, the County's governing body.
5. "County Team" refers to the County staff responsible for carrying out the terms of this MOU for the County.
6. "DWR" refers to the California Department of Water Resources.
7. "Emergency Regulations" refer to the Emergency Regulations for Groundwater Sustainability Plans and Alternatives that were adopted by the California Water Commission on May 18, 2016 (California Code of Regulations Title 23. Division 2. Chapter 1.5. Subchapter 2. Groundwater Sustainability Plans), and any amendments thereto.
8. "Executive Team" refers to the working group created in Section III.3 of this MOU.
9. "Governing Body" means the decision making body of each Party.
10. "Groundwater Sustainability Plan" or "Plan" is the basin groundwater management plan for the SLR Basin that the Parties to this MOU are seeking to develop and implement pursuant to SGMA.
11. "GSA" means Groundwater Sustainability Agency under SGMA.
12. "Memorandum of Understanding" or "MOU" refers to this agreement.
13. "Mootamai MWD" refers to the Mootamai Municipal Water District, a member of the Executive Team.
14. "Party" refers to [each of] the Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, Yuima Municipal Water District and/or the County of San Diego (collectively "Parties").
15. "Pauma MWD" refers to the Pauma Municipal Water District, a member of the Executive Team.
16. "Pauma Valley CSD" refers to the Pauma Valley Community Services District, a Party to this MOU and member of the Executive Team.
17. "Pauma Valley Subbasin" refers to the portion of the San Luis Rey Groundwater Basin (Bulletin 118 Basin Number 9-7) upstream of Frey Creek.
18. "Plan Schedule" includes all the tasks necessary to complete the Plan and the date scheduled for completion.
19. "SGMA" refers to the Sustainable Groundwater Management Act, Water Code Section 10720 *et seq.*, and any amendments thereto.
20. "Stakeholder Engagement Plan" means the plan developed pursuant to Section IV.3.c of this MOU.
21. "State" means the State of California.

22. “SWRCB” refers to the State Water Resources Control Board.
23. “USLRRCD” refers to the Upper San Luis Rey Resource Conservation District, a Party to this MOU and member of the Executive Team.
24. “Yuima MWD” refers to the Yuima Municipal Water District, a Party to this MOU and member of the Executive Team.

### **III. Agreement.**

The Parties to this MOU agree that:

1. The Parties will work in good faith and coordinate all activities, both as individual and independent agencies and as Parties under this MOU, to meet the objectives of this MOU. The Parties shall cooperate with one another and work as efficiently as possible in the pursuit of all activities and decisions described in this MOU.
2. The County shall act as the primary contact for the SWRCB and DWR and the lead Party under this MOU performing GSA actions and responsibilities on behalf of, and in close consultation with, the Parties via, among other things, the Parties’ participation on the Executive Team, for the purposes of development and adoption of the Plan.
  - a. The Parties agree that the County shall consult with, and after full consideration of the recommendations of the Executive Team, act under the terms of the MOU to develop and adopt a Plan that complies with SGMA and the Emergency Regulations. The County may validate the Plan pursuant to Section 10726.6 of SGMA upon completion, if necessary.
  - b. The Parties agree to abide by applicable monitoring and implementation measures in the Plan to the best of the individual capacities and resources and to the extent required by SGMA, or other applicable law or authority.
  - c. After review and consultation with the Executive Team, the County Team shall submit the Plan to the County Board of Supervisors (“County Board”) for adoption prior to submitting to DWR.
  - d. The Parties agree that the County, after obtaining input from the Executive Team, shall be the sole agency among the Parties to adopt the Plan for the SLR Basin as depicted in Figure 1.
  - e. The County has designated the Director, Planning & Development Services, or his/her designee(s), as the County department representative to carry out the terms of this MOU for the County.
  - f. The Parties agree that while the County will act on behalf of the Parties for the purposes outlined in this MOU, to facilitate local implementation of the Plan, alternative GSA governance structure(s) shall be considered by mutual agreement of the Parties and in consultation and collaboration with the Executive Team. Further development of roles and responsibilities of each Party for implementation of the Plan will occur during Plan development with deference to local implementation consistent with local agencies’ authorities and responsibilities.

- i. An amendment to this MOU will be considered in conjunction with consideration of the Plan adoption (or Plan amendment) by the County Board, as provided in Section X.1 of this MOU, below.
    - ii. Any amendment(s) to this MOU will be presented to each Party's Governing Body for approval prior to consideration of approval by the County Board.
3. The Parties hereby create an Executive Team to work on Plan development.
  - a. The Executive Team shall consist of members from each of the following agencies: Mootamai MWD, Pauma MWD, Pauma Valley CSD, USLRCD, and Yuima MWD. Each of these agencies shall appoint two members, at least one of which must be from within its agency's organization, to the Executive Team. The Members shall have authority from the appointing agency's Governing Body to act on behalf of that agency. The members should be knowledgeable about SGMA and/or groundwater management in the San Luis Rey Valley Groundwater Basin.
  - b. Additional agencies, entities and/or individuals with specific knowledge about SGMA or groundwater management may be asked, and any public agencies with jurisdiction that overlie the Pauma Valley Subbasin will be asked, to participate in Executive Team meetings.
  - c. Each Executive Team member shall serve at the pleasure of the appointing agency, and may be removed from the Executive Team by the appointing agency at any time.
  - d. Each Executive Team member's compensation for service on the Executive Team, if any, will be the responsibility of the appointing agency.
  - e. The Executive Team will meet periodically as needed to carry out the activities described in this MOU and in particular, Section IV, below.
  - f. It is intended that the interests of mutual water companies and private pumpers be represented through the agencies that are members of the Executive Team.
  - g. Tribes, mutual water companies and private pumpers will also have additional opportunities for involvement with the Plan development process through the Stakeholder Engagement Plan.
  - h. A representative of the County Team shall coordinate meetings and proceedings of the Executive Team.
4. The County hereby establishes the County Team to coordinate activities among the Parties and to develop the Plan.
  - a. The County Team shall consist of staff representatives from the County. County Team members may be removed/changed by the County at any time.
  - b. The County Team's service will be provided by the County.
  - c. A member from the County Team shall serve as the single representative to communicate actions conducted under this MOU to DWR.



5. The Parties agree that each Party will bear its own staff costs to participate in the activities under this MOU and in the development of the Plan. The Parties will provide support to the Executive Team and County Team by contributing staff time, information and facilities (where available) within available resources.
6. Each Party agrees that it will endeavor to devote sufficient staff time and other resources to ensure its active participation in the Executive Team for the development of the Plan for the SLR Basin, as set forth in this MOU.
7. Each Party agrees not to assess fees during Plan preparation, pursuant to Section 10730 of SGMA, to fund the Plan unless all Parties otherwise agree in writing.
8. Each of the Parties will provide expertise, guidance, and readily available data on those matters for which it has specific expertise, resource capacity or statutory authority, as is reasonably needed to carry out the objectives of this MOU.
9. Each Party is free to retain other consultants at its own cost to review and provide comment on the Plan and Plan components during Plan preparation. The Parties collectively agree to the creation of one Plan, and to not separately hire a consultant to develop a duplicative or conflicting Plan or components therein.
10. In an effort to promote trust and ensure collaboration amongst the Parties and to establish sustainability goals and an understanding regarding fundamental elements of the Plan, the Parties agree to facilitate the exchange of technical information between Parties throughout Plan preparation. The Parties shall keep this information confidential to the extent allowed by law.
11. County Team and Executive Team Meetings.
  - a. The County Team will establish a meeting schedule and location(s) between the County Team and Executive Team to discuss Plan development and implementation activities, assignments, milestones and ongoing work progress.
  - b. Attendance at all Executive Team meetings may be augmented to include staff or consultants to ensure that the appropriate expertise is available.

#### **IV. Roles and Responsibilities**

1. County: The County's primary responsibility is to act as the coordinator of the GSA on behalf of the Parties for the purposes of development and adoption of the Plan:
  - a. The County shall hire the consultant(s) to complete required components of the Plan. The contracting shall be subject to the County's competitive bid process, as applicable, and be subject to auditing by the County's Auditor and Controller.
  - b. The County shall fund the costs for the consultant(s) to complete the Plan.
  - c. The County Board, on behalf of the Parties, after receiving input and recommendations from the Executive Team, will be the sole approval body amongst the Parties for the Plan for the SLR Basin. The County shall submit the Plan to DWR pursuant to SGMA.

2. Executive Team: The Executive Team’s primary responsibility is to consult with and advise the County Team on issues of importance and on the activities described in the MOU.
  - a. Each member of the Executive Team shall be responsible for keeping his/her respective management and governing board informed of the progress towards the development of the Plan and for obtaining any necessary approvals from management/governing board in its participation in the Plan process.
  - b. The Executive Team will provide readily available information and data to the County Team regarding the development of a Plan that achieves the goals and objectives outlined in SGMA.
  - c. The Executive Team will provide input and recommendations on matters including but not limited to:
    - i. Water budget;
    - ii. Projects/Management actions (including any proposed enforcement actions and curtailments); and
    - iii. Plan implementation measures:
      - A. Fee assessment and financing options; and
      - B. Governance structure and future agreements for implementation of SGMA.
  
3. County Team: The County Team’s primary responsibility is to direct and coordinate Plan activities and to develop a coordinated Plan that complies with SGMA and the Emergency Regulations.
  - a. The Plan shall include, but not be limited to enforcement measures, a detailed breakdown of each Party’s agreed upon responsibilities for Plan implementation, anticipated costs of implementing the Plan, and environmental review.
  - b. In conjunction with Plan preparation, a Cost Recovery Plan shall also be prepared, if necessary and in compliance with all applicable laws.
  - c. The County Team shall:
    - i. Develop and implement a Stakeholder Engagement Plan, with input from the Executive Team, which shall consider the interests of all beneficial uses and users of groundwater as listed in Section 10723.2 of SGMA.
    - ii. Establish a schedule, and coordinate and participate in regular meetings of the Executive Team to discuss Plan development, tasks, milestones, ongoing work progress, and future implementation activities. This is intended to provide for consistent and effective communication between Parties.
    - iii. Develop a timeline that describes the anticipated tasks to be performed under this MOU and dates to complete each task (“Plan

Schedule”). The Plan Schedule will allow for the preparation of a legally defensible Plan and includes allowances for public review and comment, and input by the Executive Team prior to deadlines established by SGMA.

- iv. Develop a scope of work, budget, and Cost Recovery Plan, for the work to be undertaken pursuant to this MOU. The Cost Recovery Plan, if approved, may include cost recovery options to fund a Party’s implementation costs, to the extent authorized by law.
  - v. Keep the Executive Team informed of the progress toward the development of the Plan.
  - vi. Seek input and recommendations from the Executive Team to ensure development of the Plan is a collaborative effort amongst all Parties.
- d. The County Team, in partnership with the Executive Team or independently, may pursue grants, services and other funding opportunities to benefit the Parties and the Plan. County Team responsibilities may also therefore include grant administration on behalf of the Parties.

#### **V. Decision Making**

1. During Plan development, the Executive Team shall provide a series of group recommendations to the County Team on various key issues including, but not limited to, items referenced in Section IV.2.c during Plan development.
2. The Executive Team shall work in a manner that seeks to achieve Consensus for the group recommendations to the County Team.
3. The County Team will provide the Executive Team adequate time (30 days) in which to make recommendations on major issues as described in Section IV.2. If Consensus cannot be reached on a particular issue the County Team will then make a final decision concerning the issue.
4. If the Executive Team provides a Consensus recommendation that the County Team disagrees with, the County Team must provide a detailed description and justification of the reason(s), supported by the requirements of SGMA, why the County Team proposes not to include the Executive Team’s recommendation. Such required justification shall be provided to the Executive Team within a reasonable period of time.

#### **VI. Indemnification.**

1. Claims Arising From Concurrent Acts or Omissions.

To the extent authorized by California law, and notwithstanding Government Code Section 895.2, each Party hereby agrees to defend itself from any claim, action, or proceeding arising out of the concurrent acts or omissions of the Parties. In such cases, Parties agree to retain their own legal counsel, clear their own defense costs, and waive their right to seek reimbursement of such costs.

## 2. Joint Defense

In cases where Parties agree in writing to a joint defense, Parties may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of Parties. Joint defense counsel shall be selected by mutual agreement of Parties. Parties agree to share the costs of such joint defense and any agreed settlement in equal amounts. Parties further agree that no party may bind another to a settlement agreement without the written consent of all Parties.

## 3. Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the Parties, Parties may seek reimbursement and/or reallocation of defense costs, settlement payments, judgement and awards, consistent with such comparative fault.

## **VII. Litigation.**

In the event that any lawsuit is brought against any Party based upon or arising out of the terms or obligations imposed by this MOU, or the development of a Plan, by a person or entity who is not a Party to this MOU, the Parties shall cooperate in the defense of the action. Each Party shall bear its own legal costs, if any, associated with such litigation, though the County as the Party to the GSA preparing and adopting the Plan for the SLR Basin, shall be responsible for defending the Plan throughout preparation, adoptions by the County Board, and validation pursuant to Section 10726.6 of SGMA, where validation is necessary, however, each Party shall still bear its own legal costs, if any, in any such litigation.

## **VIII. Books and Records.**

Each Party shall have access to and the right to examine any of the other Parties' pertinent books, documents, papers or other records (including, without limitation, records contained on electronic media) relating to the performance of that Party's obligations pursuant to this Agreement, providing that nothing in this paragraph shall be construed to operate as a waiver of any applicable privilege. Each Party shall keep this information confidential to the extent allowed by law.

## **IX. Notice.**

All notices required by this Agreement will be deemed to have been given when made in writing and delivered or mailed to the respective representatives of the Parties at their respective addresses as follows:

For the Pauma Valley CSD:

Pauma Valley Community Services  
District  
33129 Cole Grade Road  
Pauma Valley, CA 92061

With a copy to:

Steven Anderson  
Best Best & Krieger LLP  
3390 University Ave., 5th Floor  
Riverside, CA 92501

For USLRCD:

Upper San Luis Rey Resource  
Conservation District  
P.O. Box 921  
Pauma Valley, CA 92061

With a copy to:

Oggie Watson  
Upper San Luis Rey Resource  
Conservation District  
P.O. Box 921  
Pauma Valley, CA 92061

For Yuima MWD:

Richard S. Williamson  
General Manager  
Yuima Municipal Water District  
P.O. Box 177  
Pauma Valley, CA 92061

With a copy to:

Jeffrey G. Scott  
Law Offices of Scott & Jackson  
16935 West Bernardo Drive, Suite 170  
San Diego, CA 92127

For the County:

San Diego County  
Administrative Officer  
San Diego County  
1600 Pacific Highway  
San Diego, CA 92101

With a copy to:

Justin Crumley, Senior Deputy  
Office of County Counsel  
1600 Pacific Highway, Rm 355  
San Diego, CA 92101

Any Party may change the address or facsimile number to which such communications are to be given by providing the other Parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change.

All notices will be effective upon receipt and will be deemed received through delivery if personally served or served using facsimile machines, or on the fifth (5<sup>th</sup>) day following deposit in the mail if sent by first class mail.

**X. Miscellaneous.**

1. Term and Duration of Agreement. Except as provided in this Section, this MOU shall remain in full force and effect until the date upon which the Parties, except those Parties no longer participating in the MOU due to withdrawal or otherwise, have all executed a document terminating or modifying the provisions of this MOU.
  - a. Planned Reevaluation of Agreement. The Parties agree to evaluate, and in good

faith negotiate, whether to replace this MOU with a different legal agreement, to potentially include the creation of a joint powers authority, on or before the submission of a Plan to DWR. Future amendments to this MOU may include considerations of alternative GSA governance structure(s) by mutual agreement of the Parties, including additional GSA-eligible entities.

- b. Withdrawal from MOU. Any Party may withdraw from this MOU by delivery of written notice to withdraw to all of the other Parties at least 60 days prior to the date of proposed withdrawal. Such withdrawal shall not affect the legally binding status of the MOU or otherwise change the legal rights or obligations of any other Party to this Agreement. Prior to its date of proposed withdrawal from this MOU, a Party is required to withdraw, per Section 10723.8(e) of SGMA, its GSA notification from DWR, or that Party's withdrawal from the MOU will not be effective. That Party or any assignee may choose to continue participating in Executive Team meetings.
  - c. Dissolution or Change in Status. If a Party dissolves or has a change in status as a local agency, pursuant to Section 10721(n) of SGMA, such withdrawal shall not affect the legally binding status of the MOU or otherwise change the legal rights or obligations of any other Party. That Party may choose to continue participating in Executive Team meetings.
2. No Third Party Beneficiaries. This Agreement is not intended to, and will not be construed to, confer a benefit or create any right on a third party, or the power or right to bring an action to enforce any of its terms.
  3. Amendments. This Agreement may be amended only by written instrument duly signed and executed by all Parties.
  4. Compliance with Law. In performing their respective obligations under this MOU, the Parties shall comply with and conform to all applicable laws, rules, regulations and ordinances.
  5. Jurisdiction and Venue. This MOU shall be governed by and construed in accordance with the laws of the State of California, except for its conflicts of law rules. Any suit, action, or proceeding brought under the scope of this MOU shall be brought and maintained to the extent allowed by law in the County of San Diego, California.
  6. Waiver. The waiver by any Party or any of its officers, agents or employees, or the failure of any Party or its officers, agents or employees to take action with respect to any right conferred by, or any breach of any obligation or responsibility of this Agreement, will not be deemed to be a waiver of such obligation or responsibility, or subsequent breach of same, or of any terms, covenants or conditions of this Agreement, unless such waiver is expressly set forth in writing in a document signed and executed by the appropriate authority of the Parties.
  7. Authorized Representatives. The persons executing this Agreement on behalf of the Parties hereto affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective Party and to bind their respective Party to the terms and conditions of this Agreement. The persons

executing this Agreement on behalf of their respective Party understand that the Parties are relying on these representations in entering into this Agreement.

8. Successors in Interest. The terms of this Agreement will be binding on all successors in interest of each Party.
9. Severability. The provisions of this Agreement are severable, the adjudicated invalidity of any provision or portion of this Agreement shall not in and of itself affect the validity of any other provision or portion of this Agreement, and the remaining provisions of the Agreement shall remain in full force and effect, except to the extent that the invalidity of the severed provisions would result in a failure of consideration or would materially adversely affect any Party's benefit of its bargain. If a court of competent jurisdiction were to determine that a provision of this Agreement is invalid or unenforceable and results in a failure of consideration or materially adversely affects any Party's benefit of its bargain, the Parties agree to promptly use good faith efforts to amend this Agreement to reflect the original intent of the Parties in the changed circumstances.
10. Entire Agreement.
  - a. This Agreement constitutes the entire agreement between the Parties and supersedes all prior negotiations, representations, or other agreements, whether written or oral.
  - b. In the event of a dispute between the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement will be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any Party to this Agreement.
11. Counterparts. This MOU may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.
12. Recitals. The recitals stated at the beginning of this MOU shall be conclusive proof of the truthfulness thereof and the terms and conditions of the recitals shall be deemed binding terms and conditions of this MOU.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU regarding Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin on the date first above written.

PAUMA VALLEY COMMUNITY SERVICES DISTRICT

By: Richard Nolan  
Richard Nolan  
President, Board of Directors

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: \_\_\_\_\_  
Jesse Hutchings  
President, Board of Directors

YUIMA MUNICIPAL WATER DISTRICT

By: \_\_\_\_\_  
Bill Knutson  
President, Board of Directors

COUNTY OF SAN DIEGO  
A political subdivision of  
the State of California

By: \_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY  
BY COUNTY COUNSEL

By: \_\_\_\_\_  
Senior Deputy



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PAUMA VALLEY COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Richard Nolan  
President, Board of Directors

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By:  \_\_\_\_\_  
Jesse Hutchings  
President, Board of Directors

YUIMA MUNICIPAL WATER DISTRICT

By: \_\_\_\_\_  
Bill Knutson  
President, Board of Directors

COUNTY OF SAN DIEGO  
A political subdivision of  
the State of California

By: \_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY  
BY COUNTY COUNSEL

By: \_\_\_\_\_  
Senior Deputy

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PAUMA VALLEY COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Richard Nolan  
President, Board of Directors

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: \_\_\_\_\_  
Jesse Hutchings  
President, Board of Directors

YUIMA MUNICIPAL WATER DISTRICT

By:   
Bill Knutson  
President, Board of Directors

COUNTY OF SAN DIEGO  
A political subdivision of  
the State of California

By: \_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY  
BY COUNTY COUNSEL

By: \_\_\_\_\_  
Senior Deputy

IN WITNESS WHEREOF, the Parties hereto have executed this MOU regarding Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin on the date first above written.

PAUMA VALLEY COMMUNITY SERVICES DISTRICT

By: \_\_\_\_\_  
Richard Nolan  
President, Board of Directors

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: \_\_\_\_\_  
Jesse Hutchings  
President, Board of Directors

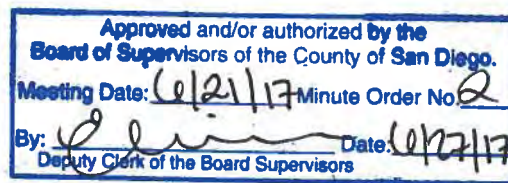
YUIMA MUNICIPAL WATER DISTRICT

By: \_\_\_\_\_  
Bill Knutson  
President, Board of Directors

COUNTY OF SAN DIEGO  
A political subdivision of  
the State of California

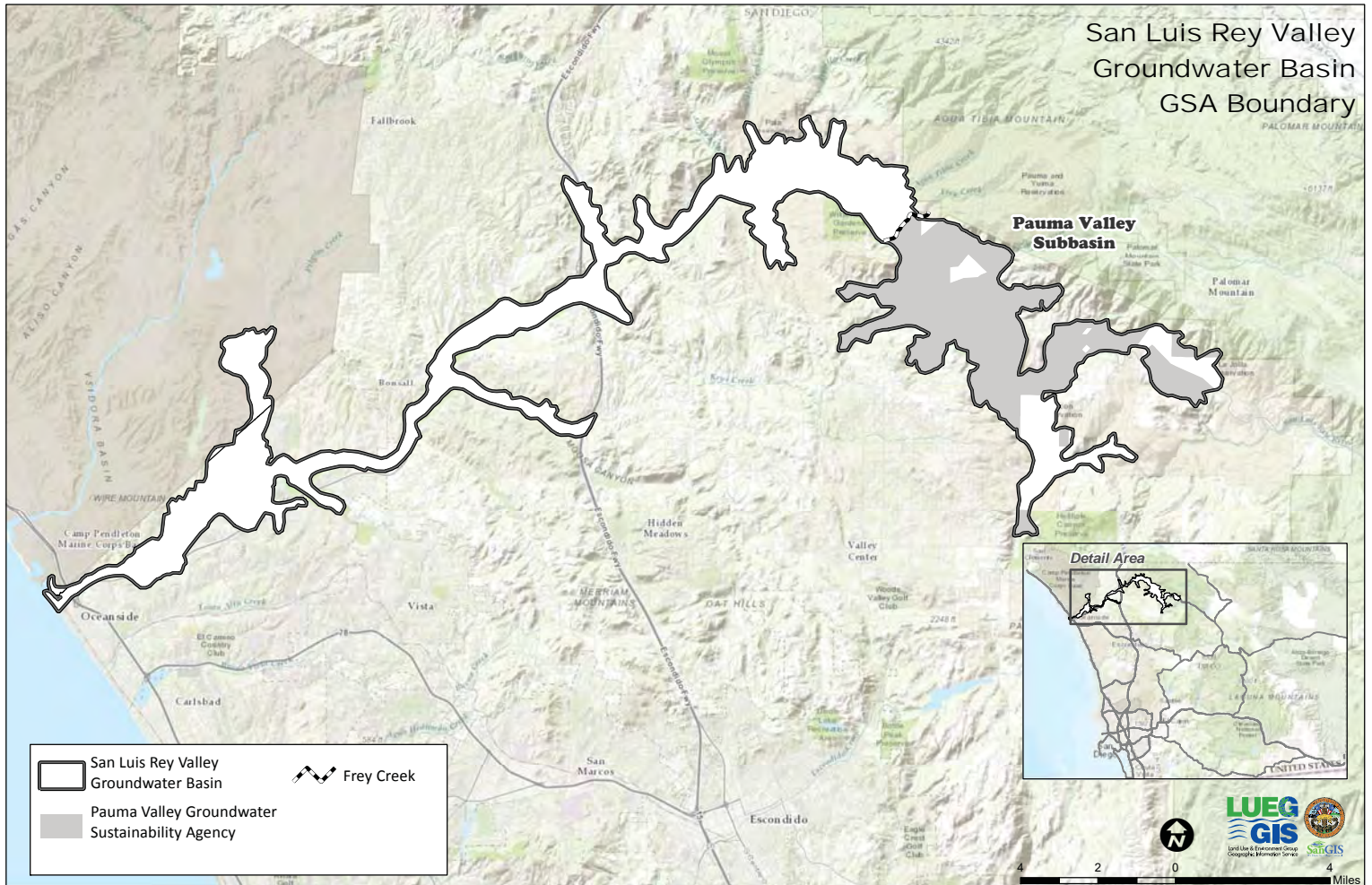
By: AJ Hill  
Clerk of the Board of Supervisors

DATE: 6/27/17

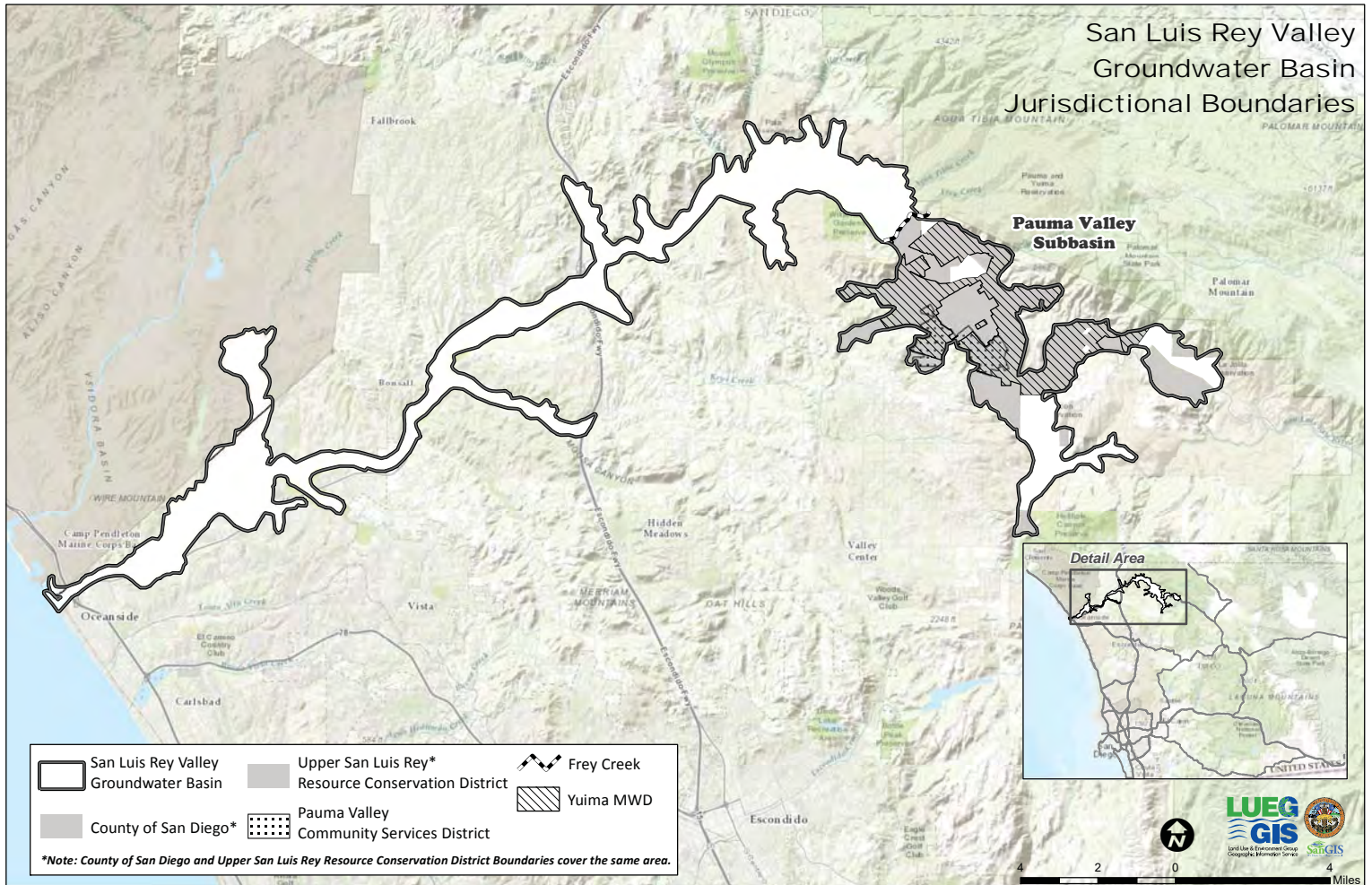


APPROVED AS TO FORM AND LEGALITY  
BY COUNTY COUNSEL

By: [Signature] 6/27/17  
Senior Deputy



**Note: The Federal government and any federally recognized Indian tribe are exempt from the requirements of SGMA and therefore, not included in the County of San Diego GSA Boundary.**



**Note: The Federal government and any federally recognized Indian tribe are exempt from the requirements of SGMA and therefore, not included in the County of San Diego GSA Boundary.**

**AMENDMENT 1 TO MEMORANDUM OF UNDERSTANDING  
FOR DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN  
FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN**

This Amendment 1 to the MEMORANDUM OF UNDERSTANDING FOR DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN (heretofore referenced as the "2017 MOU") is made and entered into effective June 1, 2020 ("Effective Date") by and between Yuima Municipal Water District, a municipal water district organized under and existing pursuant to Sections 71000 et seq. of the California Water Code ("Yuima MWD" or "Yuima"), Pauma Valley Community Services District, a community services district formed under the Community Services District Law, Government Code Sections 61000-61850, ("Pauma Valley CSD"), and the Upper San Luis Rey Resource Conservation District ("USLRRCD") a resource conservation district formed under the Resource Conservation District Act, Public Resources Code Sections 9001 et seq. Each entity may be referred to herein individually as a "Party," or collectively as the "Parties."

- A. WHEREAS, on June 27, 2017, the Parties to that agreement entitled the Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin executed the 2017 MOU and agreed to work together cooperatively in order to facilitate the preparation of a groundwater sustainability plan ("GSP") per the timelines and in accordance with the requirements of the Sustainable Groundwater Management Act ("SGMA"); and
- B. WHEREAS, the 2017 MOU was submitted to the California Department of Water Resources ("DWR") and subsequently accepted by DWR as creating a Groundwater Sustainability Agency ("GSA") for the Pauma Valley Subbasin of the San Luis Rey Valley Groundwater Basin ("SLR Basin"), which GSA would be managed by the Parties according to the 2017 MOU per its terms, including the cooperative preparation of a GSP for the Pauma Valley portion of the SLR Basin; and
- C. WHEREAS, the County of San Diego ("County") was assigned the lead role in preparing the GSP per the 2017 MOU with primary responsibility for developing and obtaining approval of the GSP on or before the January 31, 2022; and
- D. WHEREAS, SB 779 in September 2019 divided the SLR Basin into an upper and lower subbasin divided at the east line of Range 3 West, San Bernardino Meridian. The portion of the SLR Basin to the west of the dividing line would be known as the Lower San Luis Rey Valley Groundwater Subbasin, and the portion of the SLR Basin to the east of the dividing line would be known as the Upper San Luis Rey Valley Groundwater Subbasin; and
- E. WHEREAS, the Upper San Luis Rey Valley Groundwater Subbasin is nearly identical in size and land area as the Pauma Valley Subbasin that is the subject of management per the 2017 MOU; and
- F. WHEREAS DWR has indicated that the 2017 MOU remains the operative GSA governance document for the portions of the SLR Basin described in the 2017 MOU; and
- G. WHEREAS, the County formally withdrew from the 2017 MOU on November 18, 2018 and communicated such withdrawal to DWR per SGMA on January 23, 2019; and

- H. WHEREAS, the remaining Parties to the 2017 MOU after County withdrawal continue to be “local agencies” authorized to manage groundwater per Water Code § 10721 (n) and SGMA throughout the Upper San Luis Rey Valley Groundwater Subbasin other than on tribal reservation lands; and
- I. WHEREAS, on May 1, 2020 DWR determined that the Lower San Luis Rey Valley Groundwater Subbasin is a very low priority basin because of a prior determination by the State Water Resources Control Board (“SWRCB”) that the portions of the SLR Basin below Frey Creek are a subterranean stream and therefore directly managed by the SWRCB under its water rights permitting authority; and
- J. WHEREAS, on May 1, 2020, DWR confirmed that the Upper San Luis Rey Valley Groundwater Basin continues to be a medium priority groundwater basin that must develop and submit for DWR approval a GSP on or before January 31, 2022.
- K. WHEREAS, the 2017 MOU allows for the remaining parties to the MOU to continue functioning as a GSA and to develop a GSP for the SLR Basin even after the withdrawal of one or more parties to the MOU, and further states that the withdrawal of a Party to the 2017 MOU shall not affect the binding nature of the MOU nor rights/obligations of the other Parties to the 2017 MOU; and
- L. WHEREAS, the 2017 MOU provides that it may be amended by written instrument duly signed and executed by all Parties, and all remaining Parties to the MOU, specifically Yuima Municipal Water District, Pauma Valley Community Services District, and the Uppers San Luis Rey Resource Conservation District, have all agreed via this Amendment 1 to the 2017 MOU to amend the 2017 MOU so as to facilitate the timely development of a GSP in the Upper San Luis Rey Valley Groundwater Subbasin.

NOW THEREFORE, in consideration of the Recitals above, which are incorporated herein by this reference, and in order to facilitate the expedient development of a GSP for the Upper San Luis Rey Valley Groundwater Subbasin, the Parties do hereby agree to amend the 2017 MOU as follows:

1. The first paragraph on page 1 of the 2017 MOU is amended to omit reference to the County as a Party.
2. The Recitals Section of the 2017 MOU is hereby amended to remove reference to the County of San Diego, which is no longer a party to the 2017 MOU.
3. Section I.1, sub-paragraph a, is hereby amended to read:

*This MOU is entered into by the Parties for the purpose of establishing and operating as a multi-agency GSA and cooperating to develop a single Plan for those portions of the SLR Basin (Figure 1) required to have a Plan pursuant to Section 10727 et seq. of SGMA.*

4. Definitions in Section II of the 2017 MOU are hereby amended to add, delete, or revise definitions in the 2017 MOU as follows:
  - a. The following definition is added  
*“Yuima Team” refers to the Yuima staff responsible for carrying out the terms of this MOU for Yuima.*
  - b. The definitions of County, County Board, County Team, Pauma Municipal Water District, Mootamai MWD are deleted in their entirety.

- c. The definition of "Pauma Valley Subbasin" is revised to read as follows:

*"Pauma Valley Subbasin" has the same meaning as the Upper San Luis Rey Subbasin, (Basin 9-007.01) which refers to the eastern portion of the San Luis Rey Groundwater Basin (Bulletin 118 Basin Number 9-7), which subbasin commences at the east line of the western boundary of Section 6, Range 2 West, Township 10 South, San Bernardino Meridian, and for which a Plan must be developed and submitted to DWR, per this MOU, on or before January 31, 2022.*

- d. The definition of "Consensus" is revised to read as follows:

*"Consensus" as used in this MOU shall mean a majority vote of all voting Members of the Executive Team on any given decision.*

- e. The definition of "Party" is revised to read as follows:

*"Party" refers to [each of] the Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, and the Yuima Municipal Water District (collectively "Parties").*

5. Section III.2 of the 2017 MOU is amended to read as follows:

*2. Yuima shall act as the primary contact for the SWRCB and DWR and the lead Party under this MOU performing GSA actions and responsibilities on behalf of, and in close consultation with, the Parties via, among other things, the Parties' participation on the Executive Team, for the purposes of development and adoption of the Plan.*

*a. The Parties agree that Yuima shall consult with, and after full consideration of the recommendations of the Executive Team, act under the terms of the MOU to develop and adopt a Plan that complies with SGMA and the Emergency Regulations. Yuima may validate the Plan pursuant to Section 10726.6 of SGMA upon completion, if necessary.*

*b. The Parties agree to abide by applicable monitoring and implementation measures in the Plan to the best of the individual capacities and resources and to the extent required by SGMA, or other applicable law or authority.*

*c. After review and consultation with the Executive Team, the Yuima Team shall submit the Plan to the Yuima Board of Directors for adoption prior to submitting to DWR. Each of the other Parties to this MOU shall have the authority to adopt the Plan as well.*

*d. The Parties agree that while Yuima will act on behalf of the Parties for the purposes outlined in this MOU, to facilitate local implementation of the Plan, alternative GSA governance structure(s) shall be considered by mutual agreement of the Parties and in consultation and collaboration with the Executive Team. Further development of roles and responsibilities of each Party for implementation of the Plan will occur during Plan development with deference to local implementation consistent with local agencies' authorities and responsibilities.*



- i. *An amendment to this MOU will be considered in conjunction with consideration of the Plan adoption (or Plan amendment) , as provided in Section X.1 of this MOU, below.*
- ii. *Any amendment(s) to this MOU will be presented to each Party's Governing Body for approval.*

6. Section III.3, paragraphs a and b, and h, are amended to read as follows:

*a. The Executive Team shall consist of two voting "Members" appointed by each Party, each of whom must be an employee, representative, or board member of the appointing Party. Ex officio Members can be added to the Executive Team per Section III.3.b. All Members of the Executive Team, whether voting or ex officio, must have authority to speak on behalf of their appointing entity. All Members of the Executive Committee should be knowledgeable about SGMA and/or groundwater management in the San Luis Rey Valley Groundwater Basin.*

*b. Additional agencies, entities and/or individuals with specific knowledge about SGMA or groundwater management may be asked, and any public agencies with jurisdiction that overlie the Pauma Valley Subbasin will be asked, to participate in Executive Team meetings in an ex officio and non-voting capacity. The San Luis Rey Indian Water Authority, Pauma Municipal Water District, Valley Center Municipal Water District and Rainbow Municipal Water District will each be asked by Yuima to appoint one ex officio Member (which must be either an employee or board member) to participate in good faith on the Executive Team.*

*h. A representative of the Yuima Team shall coordinate meetings and proceedings of the Executive Team.*

7. Section III.4 is deleted in its entirety.

8. Sections III.5 and III.6 are amended to read as follows:

*5. The Parties agree that each Party will bear its own staff costs to participate in the activities under this MOU and in the development of the Plan. The Parties will provide support to the Executive Team and Yuima Team by contributing staff time, information and facilities (where available) within available resources.*

*6. Each Party agrees that it will endeavor to devote sufficient staff time and other resources to ensure its active participation in the Executive Team for the development of the Plan for those portions of the SLR Basin that are required to have a Plan, as set forth in this MOU.*

9. Section III.7 is deleted in its entirety.

10. Section III.11 is amended to replace the words "County Team" with "Yuima Team" in multiple locations.

11. Section IV.1 is amended to read as follows:

*1. Yuima: Yuima's primary responsibility is to act as the coordinator of the GSA on behalf of the Parties for the purposes of development and adoption of the Plan:*

*a. Yuima shall hire the consultant(s) to complete required components of the Plan.*

*b. The Executive Team will be the primary approval body amongst the Parties for the Plan for those portions of the SLR Basin required to have a Plan. Yuima shall submit the Plan to DWR pursuant to SGMA.*

12. Sections IV.2 and IV.3 are amended to replace the words "County Team" with "Yuima Team" in multiple locations.

13. Section V is amended to replace the words "County Team" with "Yuima Team" in multiple locations. Additionally, Sections V.3 and V.4 are deleted in their entirety.

14. Section VII is amended to read as follows:

*In the event that any lawsuit is brought against any Party based upon or arising out of the terms or obligations imposed by this MOU, or the development of a Plan, by a person or entity who is not a Party to this MOU, the Parties shall cooperate in the defense of the action. Each Party shall bear its own legal costs, if any, associated with such litigation.*

15. Section IX is amended to update the identity of persons entitled to receive notice under the 2017 MOU as follows:

*For the Pauma Valley CSD*

*Bobby Graziano  
General Manager  
Pauma Valley CSD  
33129 Cole Grade Road  
Pauma Valley, CA 92061  
For USLRRC:*

*Upper San Luis Rey Resource  
Conservation District  
P.O. Box 921  
Pauma Valley, CA 92061*

*For Yuima MWD*

*Amy Reeh  
Interim General Manager  
Yuima Municipal Water District  
P.O. Box 177  
Pauma Valley, CA 92061*

*With a copy to:*

*Steven Anderson  
General Counsel, PVCSD  
Best Best & Krieger LLP  
3390 University Ave., 5th Floor Riverside,  
CA 92501*

*With a copy to:*

*Oggie Watson  
Upper San Luis Rey Resource Conservation  
District  
P.O. Box 921  
Pauma Valley, CA 92061*

*With a copy to:*

*Jeremy N. Jungreis  
General Counsel, Yuima MWD  
611 Anton Blvd  
Costa Mesa CA 92626*

16. To the extent of inconsistency between the terms of this Amendment 1 and the 2017 MOU, the terms of this Amendment 1 shall control. All terms of the 2017 MOU not expressly amended herein remain unchanged and binding on all Parties to this Amendment 1. A redline of the revisions to the 2017 MOU made by this Amendment 1 are provided in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment 1 to the 2017 MOU Regarding Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater

Basin, such Amendment to be effective June 1, 2020 or the date this Amendment I has been executed by all Parties hereto, whichever date is soonest.

**PAUMA VALLEY COMMUNITY SERVICES DISTRICT**

By: \_\_\_\_\_

Date \_\_\_\_\_

Sam Logan  
President, Board of Directors

**UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**

By:           *A. Lyall*          

Date           6-9-2020          

Andrew Lyall  
President, Board of Directors

**YUIMA MUNICIPAL WATER DISTRICT**

By:           *Roland Simpson*          

Date           6-25-2020          

Roland Simpson  
President, Board of Directors

Basin, such Amendment to be effective June 1, 2020 or the date this Amendment 1 has been executed by all Parties hereto, whichever date is soonest.

**PAUMA VALLEY COMMUNITY SERVICES DISTRICT**

By:   
Sam Logan  
President, Board of Directors

Date 6-5-2020

**UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT**

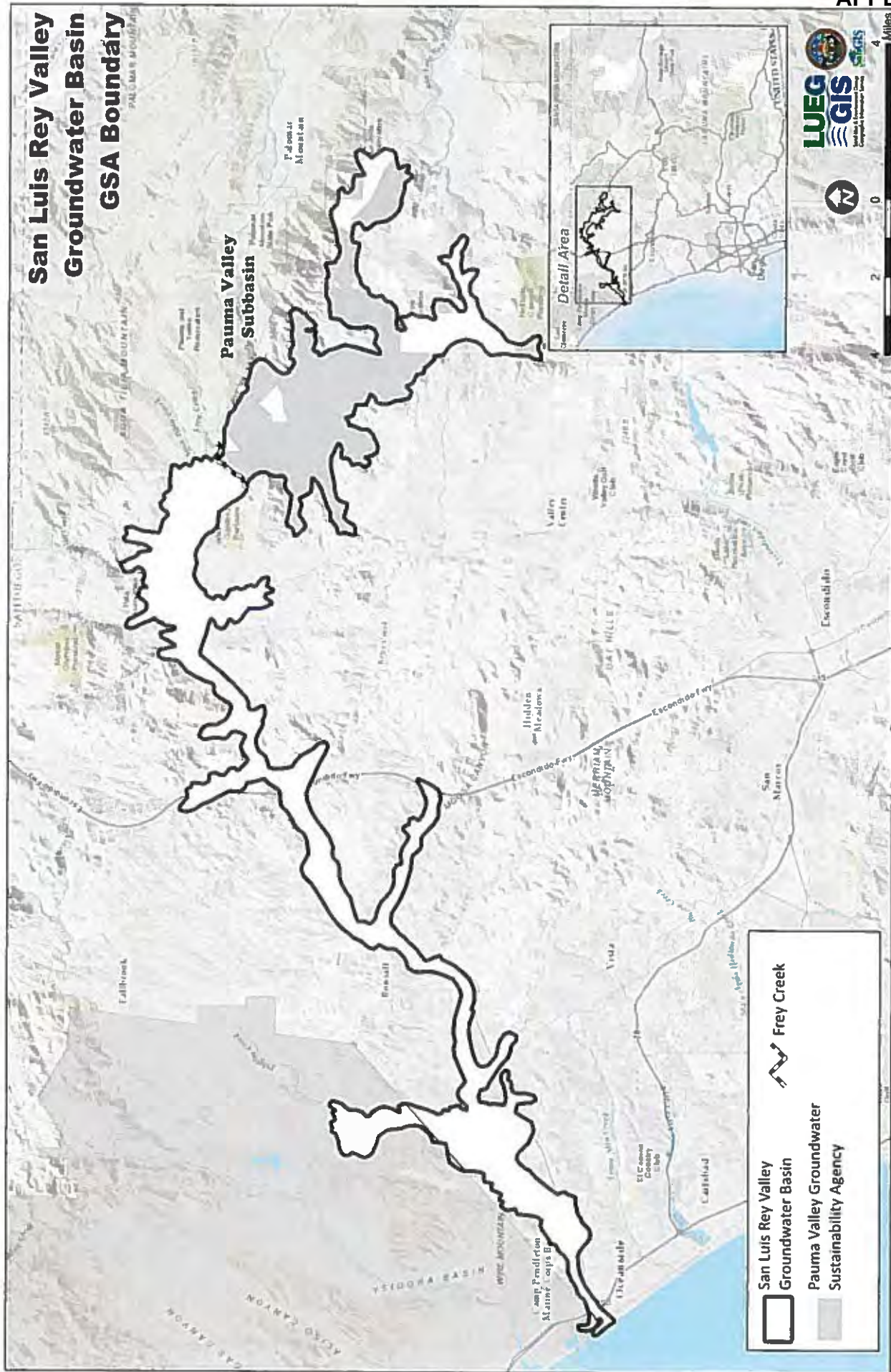
By: \_\_\_\_\_ Date \_\_\_\_\_

Andrew Lyall  
President, Board of Directors

**YUIMA MUNICIPAL WATER DISTRICT**

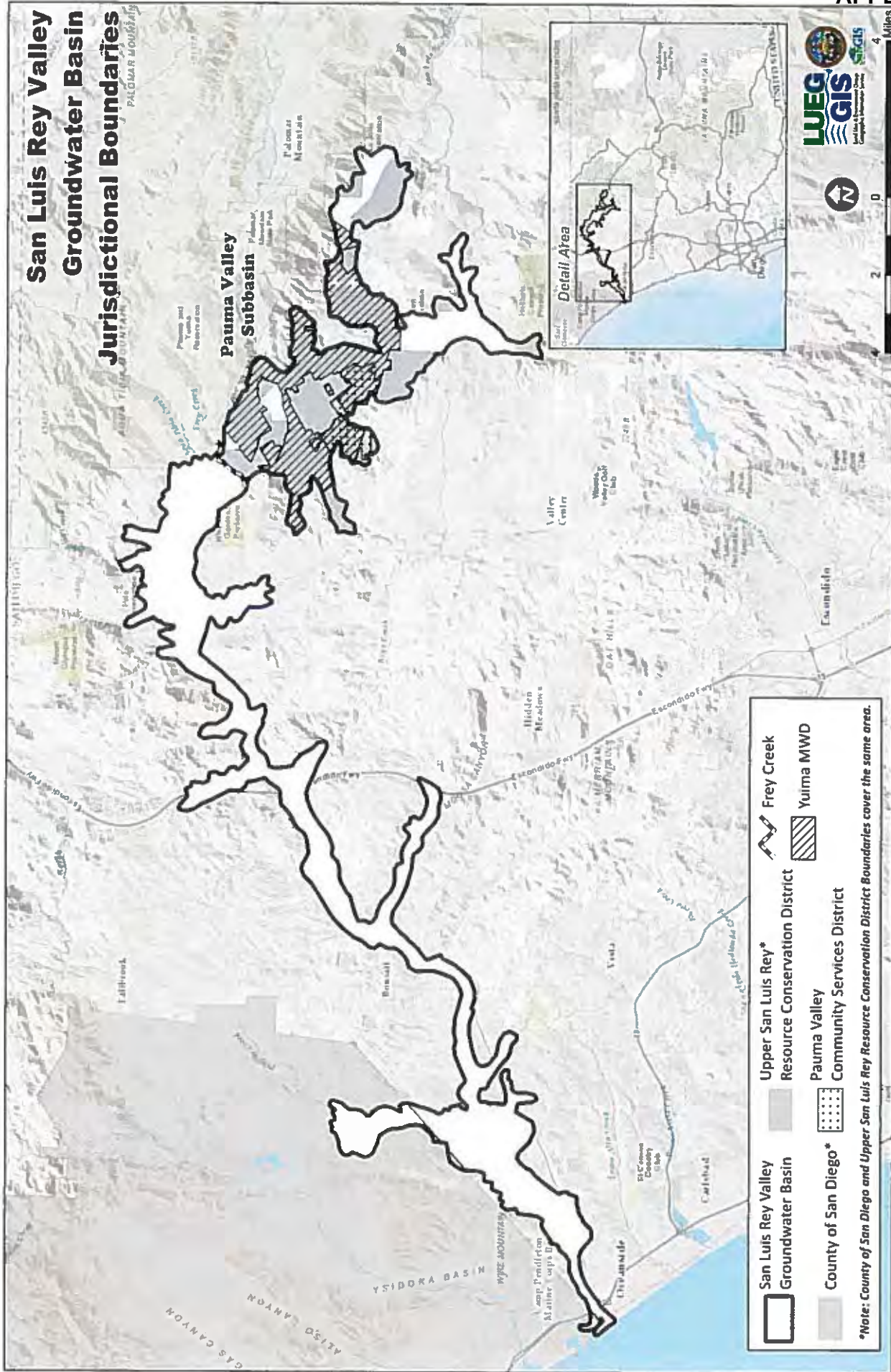
By: \_\_\_\_\_ Date \_\_\_\_\_

Roland Simpson  
President, Board of Directors



Note: The Federal government and any federally recognized Indian tribe are exempt from the requirements of SGMA and therefore, not included in the County of San Diego GSA Boundary.

# San Luis Rey Valley Groundwater Basin Jurisdictional Boundaries



	San Luis Rey Valley Groundwater Basin		Frey Creek
	Upper San Luis Rey* Resource Conservation District		Yuma MWD
	County of San Diego*		Pauma Valley Community Services District

\*Note: County of San Diego and Upper San Luis Rey Resource Conservation District Boundaries cover the same area.

Note: The Federal government and any federally recognized Indian tribe are exempt from the requirements of SGMA and therefore, not included in the County of San Diego GSA Boundary.

**AMENDMENT 2 TO MEMORANDUM OF UNDERSTANDING  
FOR DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN  
FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN**

This Amendment 2 to the MEMORANDUM OF UNDERSTANDING FOR DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN FOR THE SAN LUIS REY VALLEY GROUNDWATER BASIN (heretofore referenced as the “2017 MOU”) is made and entered into effective June 1, 2021 (“Effective Date”) by and between Yuima Municipal Water District, a municipal water district organized under and existing pursuant to Sections 71000 et seq. of the California Water Code (“Yuima MWD” or “Yuima”), Pauma Valley Community Services District, a community services district formed under the Community Services District Law, Government Code Sections 61000-61850, (“Pauma Valley CSD ”), and the Upper San Luis Rey Resource Conservation District (“USLRRC”) a resource conservation district formed under the Resource Conservation District Act, Public Resources Code Sections 9001 et seq. Each entity may be referred to herein individually as a “Party,” or collectively as the “Parties.”

- A. WHEREAS, on June 27, 2017, the Parties to that agreement entitled the Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin executed the 2017 MOU and agreed to work together cooperatively in order to facilitate the preparation of a groundwater sustainability plan (“GSP”) per the timelines and in accordance with the requirements of the Sustainable Groundwater Management Act (“SGMA”); and
- B. WHEREAS, the 2017 MOU was submitted to the California Department of Water Resources (“DWR”) and subsequently accepted by DWR as creating a Groundwater Sustainability Agency (“GSA”) for portions of the San Luis Rey Valley Groundwater Basin (“SLR Basin”), which GSA, hereinafter referenced as the Pauma Valley GSA (“PVGSA”), would be managed by the Parties to this Amendment 2 according to the 2017 MOU per its terms, including the cooperative preparation of a GSP for portions of the SLR Basin; and
- C. WHEREAS, on June 1, 2020 the remaining Parties to the 2017 MOU executed an amendment to the 2017 MOU entitled Amendment One to Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the San Luis Rey Valley Groundwater Basin (“Amendment One to 2017 MOU”); and
- D. WHEREAS, Amendment One to the 2017 MOU was submitted and uploaded to the California Department of Water Resources (“DWR”) SGMA Portal on or about July 17, 2020; and
- E. Whereas AB 1944 (codified as Water Code § 10722.5) in September 2018 legislatively divided the SLR Basin into two separate sub-basins, the Upper and Lower Groundwater Sub-Basins of the SLR Basin, which two sub-basins, together, constitute the SLR Basin, and thereafter SB 779 in September 2019 legislatively directed that the boundary between the Upper and Lower Subbasins of the SLR Basin be set by DWR at the east line of the western boundary of Section 6, Range 2 West, Township 10 South of the San Bernardino Meridian; and
- F. WHEREAS, at the time the Parties entered into the 2017 MOU, the entire SLR Basin was designated as a medium priority Basin subject to the development of a GSP per SGMA; and

- G. WHEREAS, on May 1, 2020 DWR determined that the Lower Subbasin of the SLR Basin is a very low priority basin, that does not require management by a GSA or development of a GSP; and
- H. WHEREAS, the 2017 MOU and Amendment One to the 2017 MOU contain Exhibits that, after AB 1944, SB 779, and DWR's designation of the Lower Basin as Very Low Priority, require minor update to accurately reflect the substantially reduced area of the SLR Basin requiring management by a GSA per SGMA while also updating Figure 1 to the 2017 MOU to accurately reflect the legislatively created boundary referenced in Water Code § 10722.5(a) between the Upper and Lower Sub-Basins of the SLR Basin; and
- I. WHEREAS, the 2017 MOU provides that it may be amended by written instrument duly signed and executed by all Parties to the 2017 MOU, and all remaining Parties to the MOU, specifically Yuima, Pauma Valley CSD, and the USLRRCD, have all agreed via this Amendment 2 to amend the 2017 MOU in order to facilitate the timely development of a GSP in the Upper San Luis Rey Valley Groundwater Subbasin. ("Upper Sub-Basin") or the SLR Basin.

NOW THEREFORE, in consideration of the Recitals above, which are incorporated herein by this reference, and in order to facilitate the expedient development of a GSP for the Upper Sub-Basin, the Parties do hereby agree to amend the 2017 MOU as follows:

1. Section II (17) of the 2017 MOU is hereby amended to read:

"Pauma Valley Subbasin" means the Upper San Luis Rey Valley Groundwater Subbasin (DWR Basin No. 9-007.01), as established by Water Code §10722.5(a).

2. Figure 1 of the 2017 MOU, consisting of two separate maps, is hereby replaced with the updated Figure 1 attached hereto, which depicts the portions of the SLR Basin that are, as of June 2021, required to be managed by a Plan per SGMA.

SIGNATURES ON FOLLOWING PAGE



YUIMA MUNICIPAL WATER DISTRICT

By:  Date \_\_\_\_\_

Roland Simpson  
President, Board of Directors

Approved as to Form

  
General Counsel

By: Sam Logan 7/23/21 Date  
Sam Logan  
President, Board of Directors

Approved as to Form

\_\_\_\_\_  
General Counsel

UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: Andy Lyall Date \_\_\_\_\_  
Andy Lyall  
President, Board of Directors

Approved as to Form

\_\_\_\_\_  
General Counsel

By: \_\_\_\_\_ Date \_\_\_\_\_

Sam Logan  
President, Board of Directors

Approved as to Form

Steve Anderson

General Counsel

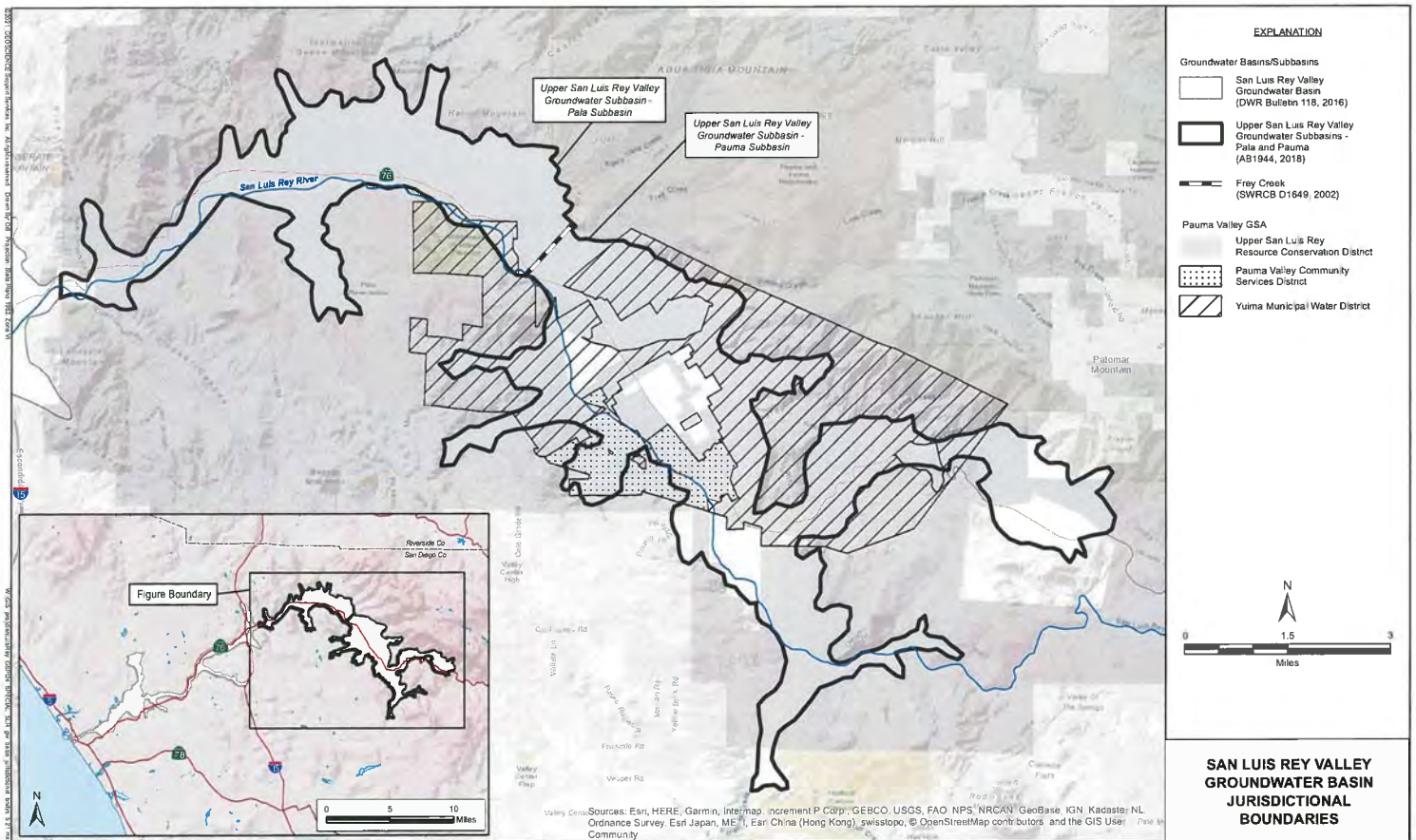
UPPER SAN LUIS REY RESOURCE CONSERVATION DISTRICT

By: Andy Lyall \_\_\_\_\_ Date \_\_\_\_\_

Andy Lyall  
President, Board of Directors

Approved as to Form

\_\_\_\_\_  
General Counsel



**MEMORANDUM OF UNDERSTANDING FOR PHASE I: DATA COLLECTION FOR  
DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN  
FOR THE UPPER SAN LUIS REY GROUNDWATER SUBBASIN**

**1) Parties**

- a) Local Entities Primary Agencies:
  - i) Pauma Valley Community Services District
  - ii) Yuima Municipal Water District
- b) Local Entities Secondary Agencies
  - i) Upper San Luis Rey Resource Conservation District
  - ii) Pauma Municipal Water District
  - iii) Valley Center Municipal Water District
  - iv) Rainbow Municipal Water District
- c) Tribal Entity
  - i) San Luis Rey Indian Water Authority

**2) Purpose**

In order to bridge the gap between the Prior MOU and a new Memorandum of Understanding to be entered into by and among the Parties in light of the passage of AB 1944, the Parties desire to:

- a) Set parameters for the selection, direction and compensation of a Consultant to complete Study Tasks 1 and 2, which tasks are necessary to develop a single Groundwater Sustainability Plan for the USLR Subbasin in compliance with SGMA and its implementing regulations and in anticipation of preparing a Groundwater Sustainability Plan and entering into further governance agreements.
- b) Establish a Technical Team and an Executive Team to provide for effective use of available Grant Funding, enable technical transparency, and provide technical and program management oversight of the work of the Consultant(s).
- c) Maximize use of the Grant Funds to pay Consultant Costs.
- d) This MOU is solely for the above-described purposes. The Parties may negotiate and enter into separate agreement(s) related to governance of a groundwater sustainability agency and other issues beyond the scope of this MOU.

**3) Definitions**

- a) “Consultant” means the consultant(s) selected and retained by Yuima with the consent of the Technical Team and the Executive Team on behalf of the Parties to perform the Study contemplated herein.
- b) “Consultant Costs” means all fees, costs and/or other charges paid to Consultant for preparation of Study Tasks 1 and 2.
- c) “Consensus” as used in this MOU shall mean the approval of eighty percent (80%) of the members of the Executive Team, the Technical Team, and/or the Work Group, as the case may be, on any given decision.
- d) “County” refers to the County of San Diego.
- e) “DWR” refers to the California Department of Water Resources.

- f) “Executive Team” refers to the group described in Section 4 herein.
- g) “Executive Representative” has the meaning set forth in Section 4(b)(i) herein.
- h) “Governing Body” means the decision making body of each Party.
- i) “Groundwater Sustainability Plan” or “Plan” is the basin groundwater sustainability plan for the SLR Basin that the Parties to this MOU are seeking to develop pursuant to SGMA.
- j) “GSA” means Groundwater Sustainability Agency under SGMA.
- k) “Grant Funds” or “Grant Funding” refers to the grant awards from (i) the State of California Department of Water Resources through San Diego County Water Authority IRWM Disadvantaged Community Involvement Grant Program to Yuima for Project No. 4-80057 in the amount of \$753,200 and (ii) the State of California Department of Water Resources Sustainable Groundwater Program to Yuima for Project No. 3 San Luis Rey Groundwater Sustainability Plan in the amount of \$500,000, for a total of \$1,253,200 and any other grants as may be obtained regarding the development of the Plan.
- l) “Local Entity Primary Agencies” refers to each of Pauma Valley Community Services District and Yuima Municipal Water District.
- m) “Local Entity Secondary Agencies” refers to the Upper San Luis Rey Resource Conservation District, Mootamai Municipal Water District, Pauma Municipal Water District, Valley Center Municipal Water District and the Rainbow Municipal Water District.
- n) “Local Entity Costs” means those costs to be paid by the Local Entity Parties in accordance with the Local Entity Allocations, this Agreement and all applicable Grant Fund agreements.
- o) “Local Entity Parties” means collectively the Local Entity Primary Agencies and the Local Entity Secondary Agencies.
- p) “Local Entity Allocations” refers to the amount of funds to be paid by each of the Local Entity Parties to cover the Local Share of the costs to complete Study Tasks 1 and 2 and administrative costs related thereto, as follows:
  - i) Pauma Valley Community Services District: \$100,000.00
  - ii) Upper San Luis Rey Resource Conservation District \$ 12,500.00
  - iii) Pauma Municipal Water District \$ 12,500.00
  - iv) Yuima Municipal Water District \$100,000.00
  - v) Valley Center Municipal Water District \$ 12,500.00
  - vi) Rainbow Municipal Water District \$ 12,500.00
  - vii) County has agreed to provide \$150,000.00 towards the Local Share for the preparation of the Plan, to be memorialized through a separate instrument.
  - viii) Notwithstanding any other provision of this MOU, the funds allocation for the Local Entities Secondary Agencies shall be a one-time charge as provided for hereinabove during the term of this MOU, which amounts are anticipated to be sufficient to fund Study Tasks 1 and 2 as well as development of the Plan; the Local Entities Secondary

Agencies shall not be obligated to make any other payments arising from or related to this MOU, except as provided in a written amendment to this MOU signed by all the Parties.

- q) “Local Share” means the difference between (i) the total cost of Study Tasks 1 and 2 (including administrative costs related thereto), and (ii) the Grant Funds received for the conduct of Study Tasks 1 and 2 as well as development of the Plan.
- r) “Memorandum of Understanding” or “MOU” refers to this agreement.
- s) “Party” refers to each of the Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, Yuima Municipal Water District, Valley Center Municipal Water District, Rainbow Municipal Water District, Mootamai Municipal Water District, and/or San Luis Rey Indian Water Authority (collectively “Parties”).
- t) “Pauma MWD” refers to the Pauma Municipal Water District.
- u) “Pauma Valley CSD” refers to the Pauma Valley Community Services District.
- v) “Prior MOU” means that certain Memorandum of Understanding entered into by Pauma Valley Community Services District, Yuima Municipal Water District, County of San Diego and Upper San Luis Rey Resource Conservation District dated, June 27, 2017. In the event of a conflict between the terms of this MOU and the Prior MOU, the terms of this MOU shall govern.
- w) “Rainbow MWD” refers to the Rainbow Municipal Water District.
- x) “SGMA” refers to the Sustainable Groundwater Management Act, Water Code Section 10720 *et seq.*, and any amendments thereto.
- y) “SLRIWA” refers to the San Luis Rey Indian Water Authority.
- z) “State” means the State of California.
- aa) “Study” means the study of the USLR Subbasin to be prepared by the Consultant in accordance with the Scope of Work attached hereto as Exhibit A and incorporated herein by this reference, funded by the Parties in accordance herewith, together with any and all ancillary actions arising out of or relating to the defense thereof. The Study is to be undertaken by way of individual tasks/Task Orders, in the discretion of the Executive Team and Technical Team.
- bb) “Study Tasks 1 and 2” means Task 1, Existing Data Compilation and Task 2, Existing Data Assessment, described in the Study attached as Exhibit A hereto.
- cc) “SWRCB” refers to the State Water Resources Control Board.
- dd) “Task Orders” shall be the individual tasks to be undertaken by the Consultant under its contract(s) with Yuima.
- ee) “Technical Team” means the group comprised of one technical representative from each Local Agency Primary Entity, one Technical Representative (defined below) and two technical representatives from the San Luis Rey Indian Water Authority, for a total of five (5) members.
- i) Selection of Local Entities Secondary Agencies’ Representative. The Local Entities

- Secondary Agencies shall elect from among their members one representative with expertise in groundwater management, water resources management or similar field(s) to represent the interests of the Local Entities Secondary Agencies on the Technical Team (“Technical Representative”).
- ii) The Technical Representative shall serve at the pleasure of the Local Entities Secondary Agencies and shall promptly report the activities and actions of the Technical Team to the designee of each of the Local Entities Secondary Agencies.
  - ff) “Technical Representative” shall have the meaning set forth in Section 3(ff)(i) herein.
  - gg) “Tribe Party Costs” means those costs to be paid by the San Luis Rey Indian Water Authority pursuant to this MOU.
  - hh) “USLR Subbasin” means the Upper San Luis Rey Valley Groundwater Subbasin identified as that portion of Basin 9-007 in Bulletin 118 (2016) east of the dividing line located at the east line of Range 3 West, San Bernardino Meridian.
  - ii) “USLRRCD” refers to the Upper San Luis Rey Resource Conservation District.
  - jj) “VCMWD” refers to Valley Center Municipal Water District.
  - kk) “Work Group” refers to that group of individuals comprised of the staff members, attorneys and/or consultants as each Party may select from time to time to represent it with regard to this MOU.
  - ll) “Yuima” refers to the Yuima Municipal Water District.
- 4) The Executive Team will work on Consultant selection and overall direction of the Consultant’s efforts. In so doing, the Executive Team shall act on behalf of and in the best interest of all Parties.
- a) The Executive Team shall be responsible for providing Yuima with professional advice related to monitoring of performance of all Task Orders awarded to the Contractor.
  - b) The Executive Team shall consist of the following: SLRIWA (4 members, at least two of whom shall be a board member, attorney, or staff member) Yuima (2 members, at least one of whom shall be a board member, attorney, or staff member), Pauma Valley CSD (2 members, at least one of whom shall be a board member, attorney, or staff member), and two (2) Executive Representatives. As and to the extent each Executive Team member deems necessary, such member’s legal counsel may also attend Executive Team meetings either in person or by teleconference. The Executive Team members shall have authority to act on behalf of the entit(ies) they represent. The Executive Team members should be knowledgeable about SGMA and/or groundwater management in the USLR Subbasin. The members of the Executive Team shall determine among themselves a chair of the Executive Team.
- i) Selection of Local Entities Secondary Agencies’ Representative. The Local Entities Secondary Agencies shall elect from among their members a total of two representatives to represent the interests of the Local Entities Secondary Agencies on the Executive Team (“Executive Representatives”).
  - ii) The Executive Representatives shall serve at the pleasure of the Local Entities Secondary Agencies and shall promptly report the activities and actions of the Executive Team to the designee of each of the Local Entities Secondary Agencies.



- iii) Each Executive Team member shall serve at the pleasure of the appointing Party (or, in the case of the Executive Representatives, the pleasure of the Local Entities Secondary Agencies), and may be removed from the Executive Team by them.
  - c) Each Executive Team member's compensation for service on the Executive Team, if any, will be the responsibility of the appointing Party (or, in the case of the Executive Representatives, the Party by whom each Executive Representative is employed).
  - d) The Executive Team will meet periodically as needed to carry out the activities described herein.
  - e) Each member of the Executive Team shall be responsible for keeping his/her respective management and governing board (or, in the case of the Executive Representatives, the designees of each of the Local Entities Secondary Agencies) informed of the progress on Study Tasks 1 and 2 and for obtaining any necessary approvals from management(s)/governing board(s) in its participation in the Study process.
  - f) The Executive Team shall make recommendations and decisions by Consensus regarding selection and direction of the Consultant, and other matters as may come before the Executive Team for action or recommendation.
- 5) Selection of Consultant
- a) With the Consensus of the Technical Team as to the technical parameters set forth in the Request for Qualifications, Yuima shall issue a Request for Qualifications for the preparation of the Study.
    - i) Yuima shall distribute the Request for Qualifications to not less than 5 consulting companies recommended by the Technical Team and advertise the same in the Daily Business Journal, [caleprocure.ca.gov](http://caleprocure.ca.gov) and Brown and Caldwell's Waternews.
  - b) Upon receipt of responses to the Request for Qualifications, Yuima shall distribute all responses to the Executive Team and the Technical Team.
  - c) The Technical Team shall evaluate the responses and rank them in accordance with the criteria and procedures set forth in the attached Exhibit B.
  - d) The Executive Team and Technical Team shall, based on the criteria set forth in Exhibit B, reach Consensus as to the selection of the Consultant.
  - e) Yuima shall negotiate a contract with the Consultant to complete all tasks necessary to complete the Study. The contract shall include a provision requiring the Consultant to indemnify the Parties to the maximum extent permitted by law.
  - f) After negotiating with the Consultant, Yuima shall return the draft contract to the Executive Team for discussion and to seek to obtain full agreement or Consensus regarding the contract terms. Upon Consensus approval of the Consultant Contract terms, Yuima shall execute the contract.
- 6) Direction of Consultant
- a) Yuima will consult with the Executive Team regarding direction and Task Orders to be given to the Consultant.

- b) At its sole discretion, the Executive Team may request input, information and/or consultation from the Technical Team on any matter that comes before the Executive Team.
  - c) All direction to Consultant shall be provided directly from Yuima to Consultant in accordance with the direction of the Executive Team to Yuima.
  - d) All changes to the scope of Study Tasks 1 and 2 or addition of new tasks shall be approved by Consensus of the Work Group.
  - e) Changes to the cost of Study Tasks 1 and 2 in excess of ten percent (10%) over the contract amount shall be approved by Consensus of the Executive Team.
- 7) Compensation of Consultant
- a) The Parties estimate that the costs to complete Study Tasks 1 and 2 will not exceed \$600,000.
  - b) Grant Funds total \$1,289,900.
  - c) Local Share of Study Tasks 1 and 2 totals approximately \$300,000 and shall be paid by the Parties as follows:
    - i) 50% of the Local Share (approximately \$150,000) shall constitute Local Entity Costs and shall be paid by the Local Entity Parties in accordance with the Local Entity Allocations.
    - ii) 50% of the Local Share (approximately \$150,000) shall constitute Tribe Party Costs and shall be paid by SLRIWA.
  - d) To the extent Study Tasks 1 and 2 costs exceed the \$600,000 estimate and grant reimbursements have not been timely received to cover the cash flow needs, then such costs will be allocated 50% as Tribe Party Costs and 50% as Local Entity Costs paid from funds remaining in the Trust Account (defined below) in accordance with the Local Entity Allocations. Provided, however, that Yuima shall, with the concurrence of the Executive Team, apply for other available, SGMA-applicable grant funding and utilize any further grant funds received to offset the Tribe Party Costs and Local Entity Costs. The Executive Team and Yuima may also consider the use of a 'bridge' loan to cover any cash flow shortages due to the length of time it may take to receive Grant Funds.
  - e) At the time Yuima issues the Request for Qualifications, Yuima shall establish a trust account ("Trust Account") into which each Party shall deposit its respective portion of the Local Share pursuant to paragraph 7(c), above (the "Party Deposits"). After each Party has made its respective Party Deposit, Yuima shall issue a Notice to Proceed to the selected Consultant.
  - f) Yuima shall make periodic payments to the Consultant from the Party Deposits and promptly process requests for reimbursement from the Grant Funds so long as such payments are within the financial parameters approved by the Executive Team.
  - g) If, at any time, the total balance of Party Deposits falls below \$50,000, the Primary Entities shall make such additional deposits as may be determined by the Executive Team to be necessary, which amounts shall be allocated 50% as Tribe Party Costs and 50% as Local Entity Costs paid by the Local Entities Primary Agencies in accordance with the

Local Entity Allocations. Additional deposits due pursuant to the preceding sentence shall be paid by each of the Local Entities Primary Agencies and SLRIWA within thirty (30) days of written notice of Executive Team determination.

- h) On the six-month anniversary of the first Party Deposit into the Trust Account and on each six-month anniversary thereafter, the Executive Team shall examine the balance of funds on deposit in the Trust Account to determine if a refund to the Parties of excess funds is necessary or appropriate. If and to the extent the Executive Team shall determine a refund is appropriate, all refunds shall be allocated to the Parties on the same percentages as the Parties' respective actual deposits.
  - i) Yuima shall be reimbursed for its actual costs to administer the Consultant Contract and Grant agreements as well as any out of pocket expenses reasonably incurred, as approved by the Executive Team, not to exceed 10% of the Grant Funds plus Local Share. Yuima shall be reimbursed from funds in the Trust Account.
- 8) Data Collection and Transmission
- a) The Parties acknowledge that to complete Study Tasks 1 and 2, Consultant will require data from the Parties, as well as their respective landowners and water users, and the Parties commit to use their best efforts to obtain such data.
  - b) Each Party shall provide all existing data requested by the Consultant in its possession or control directly to the Consultant, marked "Confidential pursuant to Government Code Section 6254(e)."
  - c) The Parties shall take all reasonably practicable steps to protect the confidentiality of all data provided to the Consultant and shall work with the Consultant to ensure protection, to the maximum extent permitted by law, of all data controlled and utilized by the consultant.
    - i) In the event any third party files suit seeking to discover all or any portion of the data provided to the Consultant, the costs to defend such lawsuit(s) shall constitute a project cost to be paid (i) first from Grant Funds as and to the extent permitted by the applicable grant agreements; and (ii) second by the Parties allocated 50% as Tribe Party Costs and 50% as Local Entity Costs paid in accordance with the Local Entity Allocations.
- 9) Grant Funds
- a) Yuima shall work with DWR and all grant agencies that have committed funds for the preparation of the Plan to ensure that all Grant Funds are available for payment of all Consultant Costs.
- 10) Insurance. The Local Entities and the SLRIWA shall be responsible for obtaining and maintaining such insurance in such amounts relative to the GSA activities and the actions contemplated herein, to the extent each Party deems appropriate. The Parties intend to ensure that the GSA will obtain liability coverage from the Association of California Water Agencies Joint Powers Insurance Authority upon its formation.
- 11) Meetings.
- a) A representative of Yuima shall coordinate meetings and proceedings of the (i) Work

Group, (ii) Executive Team, and (iii) Technical Team. Yuima shall invite such representative(s) of the County as its Planning Director may designate from time to time to attend all such meetings.

12) Each Party will be responsible to pay any expert(s)/consultant(s)/legal counsel it may elect to hire to assist it with regard to preparation of Study Tasks 1 and 2.

13) This MOU, including all recitals and exhibits hereto, constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes any and all prior or contemporaneous understandings negotiations, representations, promises, and agreements, oral or written, by or between the Parties, which respect to the subject matter of this MOU. This MOU may be amended, modified, or supplemented only by a writing signed by the Parties.

14) Effective Date: This MOU shall be effective as of the 21<sup>ST</sup> MARCH day of January, 2018.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed by their duly authorized representatives.

Pauma Valley Community Services District

Samuel R. Lopez  
By: \_\_\_\_\_  
Its: President

Upper San Luis Rey Resource Conservation District

O. Ogden Watson  
By: O. OGDEN WATSON  
Its: SECRETARY/TREASURER

Yuima Municipal Water District

Richard S. Williamson  
By: Richard S. Williamson  
Its: General Manager

Pauma Municipal Water District

Warren C. Lyall  
By: WARREN C. LYALL  
Its: PRESIDENT

Valley Center Municipal Water District

Gary Grant  
By: GARY GRANT  
Its: GENERAL MANAGER  
San Luis Rey Indian Water Authority

Rainbow Municipal Water District

Tom Kennedy  
By: TOM KENNEDY  
Its: GM

President  
By: \_\_\_\_\_  
Its: President

## EXHIBIT A

### SCOPE OF WORK FOR DATA COLLECTION

The Data Development phase of Groundwater Sustainability Plan (GSP) preparation for the Upper San Luis Rey Valley Groundwater Subbasin (Basin) will require completion of the following tasks.

#### **Task 1 Existing Data Compilation**

Consultant shall collect data from all available sources to aid in development of the GSP. Data could include, but is not limited to, local and regional reports, plans, studies, models, existing well information, basin condition information, pumping records, groundwater elevation data, surface and groundwater quality data, stream gauging data, precipitation records, water rights summary, water demand (including historic use), groundwater contamination, prior water budgets, subsidence records, and other information pertinent to GSP development. This task also includes coordinating with the tribes located in the Pala and Pauma Subbasins and incorporating tribal data, as available.

Deliverable:

- *Consultant shall provide a digital library of data, catalogued with a reference summary and table of contents. Data will be provided in excel file format, and also GIS file format.*
- The Consultant shall also provide an explanation of how data gaps will be filled, including regarding well production information that may be lacking for particular areas of the Basin. The consultant should be prepared to make recommendations to the GSA as to particular areas of the Basin / particular wells where focused efforts may be needed to collect well production information to fill data gaps to ensure the modeling effort and other aspects of the GSP can be fully completed.

#### **Task 2 Existing Data Assessment**

Consultant shall review collected data and ensure that it corresponds to the data requirements in the California Water Code (CWC) Sections 10727 through 10728.6 and the Emergency Regulations, Consultant will identify any data gaps necessary to address GSP requirements and make recommendations to the SLR Team on how best to fill those gaps.

Deliverable:

- *Consultant shall provide a Technical Memorandum: Existing Data Assessment (data gaps and recommendations).*

#### **Task 3 Develop Monitoring Program**

Consultant shall develop a plan for a monitoring network in the Pauma and Pala Subbasins, which shall include water level monitoring and water quality sampling throughout the GSP implementation phase. The monitoring program must be sufficient to meet SGMA requirements and ensure that the network will provide sufficient temporal frequency and spatial density to evaluate the effectiveness of GSP implementation.

Deliverable:

- *Consultant shall provide Technical Memorandum: Monitoring Program.*

#### **Task 4 Water Level Monitoring**

Consultant shall conduct quarterly water level monitoring of up to 40 wells in the groundwater monitoring network in the Pauma and Pala Subbasins. A minimum of four rounds of monitoring to be provided per contract year.

##### Deliverable:

- *Consultant shall provide Water Level Data (Excel data and graph) for each well monitored.*

#### **Task 5 Water Quality Data Sampling and Analysis**

Consultant shall conduct semi-annual groundwater sampling of wells located in the Pauma and Pala Subbasins. Approximately 20 wells are anticipated to be sampled each round. These wells will be selected by the SLR Team upon recommendation by the Consultant. Consultant shall obtain samples from existing operable wells. Consultant shall provide a Sampling and Analysis Plan (SAP) that will detail sampling protocol, analytical methods, and quality assurance/quality control requirements. Consultant shall measure field parameters, including dissolved oxygen, specific conductance, pH, and water temperature prior to sampling. Consultant shall obtain water samples using appropriate sampling methodology and submit samples to a California-certified laboratory for analysis. Each sample shall be analyzed for nitrate, total dissolved solids (TDS), arsenic, gross alpha and uranium. Consultant will utilize water level and quality data to determine water level trends and groundwater quality trends for constituents of concern in the basin. A minimum of two rounds of sampling to be provided per contract year.

##### Deliverables:

- *Consultant shall provide a single Sampling and Analysis Plan (SAP) for all wells sampled.*
- *Consultant shall conduct sampling and provide Laboratory Results (Excel and pdf) for each well identified in the SAP.*

#### **Task 6 Locate Existing Wells**

Consultant shall conduct field investigations to identify wells, well locations and well owners for wells not identified in Task 1, above.

##### Deliverables:

- *Consultant shall provide well information (Excel and GIS)*

#### **Task 7**

All such other tasks as may be necessary to develop the Groundwater Sustainability Plan and form the GSA.

## EXHIBIT B

## RFQ Selection Criteria

**CONSULTANT SELECTION PROCESS**

The Technical Team will evaluate and rank each proposal based on the evaluation criteria outlined below. After ranking the proposals, the Technical Team will hold interviews with the top ranked firms.

Once the top firm/team has been determined, the Technical Team will recommend to the Executive Team to enter into a contract with the top firm. Once the top firm/team has been determined, Yuima staff will start contract negotiations with the firm/team. If contract negotiations are not successful, the second ranked firm/team may be asked to negotiate a contract, and so on. After the contract is negotiated, will seek Consensus to execute the contract.

**EVALUATION CRITERIA**

The proposals will be scored on a 100-point total basis using a value based evaluation criteria including:

- Quality and completeness of the qualifications submittal. (20%)
- Understanding of project requirements, and key project issues and challenges. (20%)
- Proposed approach for completing the project on schedule, efficiently, effectively and suitable for approval by DWR. (40%)
- Project team qualifications, experience with similar projects and potential for conflict of interest with any of the local agencies or tribes. (20%)

The Technical Team may amend by majority vote the relative weight given to each criteria.

## Exhibit D

Board of Directors  
 Roland Simpson – President  
 Steve Wehr – Vice-President  
 Don Broomell – Secretary/Treasurer  
 Laney Villalobos – Director  
 Richard Festaine – Director



**MUNICIPAL WATER DISTRICT**  
 P.O. BOX 177, 34928 VALLEY CENTER ROAD  
 PAUMA VALLEY, CA 92061-0177  
 Tel: (760) 742-3704 • Fax: (760) 742-2069  
 e-mail: [yuima@yuimamwd.com](mailto:yuima@yuimamwd.com)

July 1, 2020

Bo Mazzetti  
 President  
 San Luis Rey Indian Water Authority  
 P.O. Box 428  
 Pauma Valley, CA 92061

Dear President Mazzetti:

I write to update you on recent events concerning compliance with the Sustainable Groundwater Management Act (“SGMA”) in the Upper San Luis Rey Groundwater Sub-Basin (“USLR Sub-Basin”), of the San Luis Rey Valley Groundwater Basin. I also write to solicit your potential participation as an ex officio member of the Executive Team that will advise Yuima on decisions regarding development of the Groundwater Sustainability Plan (“GSP”) for the USLR Sub-Basin. A GSP must be completed and submitted to the California Department of Water Resources (“DWR”) on or before January 31, 2022, so the next 18 months will be very important in the process of developing a GSP that considers the interests of all stakeholders in the USLR Sub-Basin in developing a plan that achieves sustainable groundwater management over the GSP plan horizon.

The current Groundwater Sustainability Agency (“GSA”) for the USLR Sub-Basin was created in 2017 via a Memorandum of Understanding (“MOU”) between Yuima Municipal Water District (“Yuima”), Pauma Valley Community Services District (“PVCSD”), the Upper San Luis Rey Resource Conservation District (“RCD”), and the County of San Diego (“County”). The 2017 MOU created the GSA that would be authorized to manage the USLR Sub-Basin and to develop a GSP on or before SGMA’s deadline for completion. In 2019, the County of San Diego withdrew from the 2017 MOU and is accordingly no longer part of the GSA created by the 2017 MOU. The 2017 MOU was never repealed or superseded, and it therefore remains the pertinent SGMA governance document for the USLR Sub-Basin. In June 2020, the three remaining parties to the 2017 MOU—Yuima, PVCSD and RCD—amended the 2017 MOU in accordance with its terms to allow Yuima to take on the lead role for GSP development in place of the County.

With the amendment to the 2017 MOU having been completed, Yuima is now preparing to select a consultant to prepare a GSP in consultation with the 2017 MOU Executive Team (“Executive Team”). Valley Center Municipal Water District has been identified as an important stakeholder

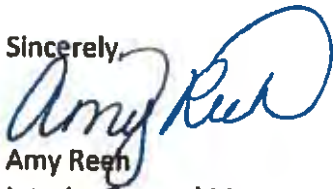


within the USLR Sub-Basin, and the GSA is therefore requesting your participation as an ex-officio member on the 2017 MOU Executive Team prior to GSP consultant selection.

Please let us know on or before July 16, 2020 whether you intend to participate as an ex-officio member on the 2017 MOU Executive Team, and if so, who your representative will be. Please note that all ex officio members of the 2017 MOU Executive Team must be either an employee or board member of the agency/entity that they are representing.

Please let me know if you have any questions or concerns, and I look forward to receiving your response on or before July 16, 2020.

Sincerely,



Amy Reah  
Interim General Manager  
Yuima Municipal Water District

xc: file

DATE RECEIVED  
JUL 15 '20 PM01:29

## SAN LUIS REY INDIAN WATER AUTHORITY

### DIRECTORS

Bo Mazzetti, President  
Geneva Lofton, Vice President  
Pamela Arviso, Treasurer  
Steven Cope, Secretary  
Temet Aguilar, Member At Large  
Robert H. Smith  
Thomas Rodriguez  
Matthew Quis Quis  
Tuukut Sass  
Venessa Brown



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Telephone: (760) 742-1903  
Facsimile: (760) 742-1745  
[www.slriwa.org](http://www.slriwa.org)

SPECIAL COUNSEL  
Robert S. Pelcyger

SPECIAL COUNSEL  
Art Bunce

GENERAL COUNSEL  
Eugene R. Madrigal

July 11, 2020

Amy Reeh  
Interim General Manager  
Yuima Municipal Water District  
P.O. Box 177  
Pauma Valley, CA 92061-0177

Dear Ms. Reeh:

Thank you for your July 1, 2020 letter. The San Luis Rey Indian Water Authority does not recognize the current legitimacy of the Groundwater Sustainability Agency created under the 2017 Memorandum of Understanding. The Indian Water Authority has no interest in participating as an ex officio member of an executive team that would advise Yuima on groundwater management and sustainability issues in the Pauma and Pala subbasins.

Sincerely yours,

Bo Mazzetti, President  
San Luis Rey Indian Water Authority

**SAN LUIS REY**  
**Indian Water Authority**

## SAN LUIS REY INDIAN WATER AUTHORITY

### DIRECTORS

**Bo Mazzetti**, President  
**Geneva Lofton**, Vice President  
**Pamela Arviso**, Treasurer  
**Steven Cope**, Secretary  
**Temet Aguilar**, Member At Large  
**Robert H. Smith**  
**Reuben Rodriguez**  
**Matthew Quis Quis**  
**Tuukut Sass**  
**Venessa Brown**



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[www.slriwa.org](http://www.slriwa.org)

SPECIAL COUNSEL  
 Robert S. Felcyger

SPECIAL COUNSEL  
 Art Bunce

GENERAL COUNSEL  
 Eugene R. Madrigal

August 14, 2020

Dear David,

The situation with respect to the application of SGMA to the Upper San Luis Valley Basin continues to deteriorate. The San Luis Rey Indian Water Authority understands that the Board of Directors of the Yuima MWD has approved and entered into (or is about to enter into) a contract with Geoscience Support Systems to prepare a GSP for the entire Upper SLR Basin. The scope of work for the approved contract does not include any consideration or analysis of the reserved water rights of the 5 Indian Bands. It is therefore inconsistent with the requirement of SGMA that "Indian Reserved Water Rights shall be respected in full."

The IWA believes that Yuima intends to use the money from two previously approved DWR grants to pay for most or all of the work to be performed by Geoscience under the proposed contract. The Indian Water Authority respectfully requests DWR to immediately notify Yuima that its proposed contract with Geoscience is inconsistent with SGMA and that State grant funds therefore may not be used to pay for any work to be performed under that contract.

The Indian Water Authority also respectfully requests that DWR and the State Board use the full extent of their authorities to take all appropriate measures to carry out the requirements of SGMA to the Upper Basin in accordance with the SGMA's deadlines. The IWA and the Bands are ready, willing and able to assist the State's efforts.

Please distribute this email to the appropriate officials of DWR and the State Board.

Thank you.

Sincerely,

Bo Mazzetti, President  
 San Luis Rey Indian Water Authority



**CALIFORNIA DEPARTMENT OF WATER RESOURCES**  
**SUSTAINABLE GROUNDWATER**  
**MANAGEMENT OFFICE**

901 P Street, Room 313-B | Sacramento, CA 95814 | P.O. Box 942836 | Sacramento, CA 94236-0001

September 15, 2020

**TRANSMITTAL VIA E-MAIL**

Ms. Amy Reeh  
Interim General Manager  
Yuima Municipal Water District  
P.O. Box 177  
Pauma Valley, CA 92061-0177  
[amy@yuimamwd.com](mailto:amy@yuimamwd.com)

**RE: Upper San Luis Rey Valley GSP Development**

Dear Ms. Reeh,

This letter follows our phone conversations on August 28 and September 10, 2020, regarding groundwater sustainability plan (GSP) preparation in the Upper San Luis Rey Valley groundwater subbasin (DWR Bulletin 118 Basin No. 9-007.01). I appreciated receiving an update on Pauma Valley GSA's efforts to develop a GSP inclusive of all beneficial uses and users of the subbasin.

At the outset of GSP preparation for the basin, the Department was encouraged by the agreement struck between local agencies and local Tribes in a 2019 memorandum of understanding (MOU) that integrated Tribal stakeholders into the GSP preparation process. As we discussed, the Department is aware of the self-described "impasse" among members of the executive committee that resulted in a disruption to the previously established agreement and process. This "impasse" has led to an amended MOU recently uploaded to the Department's SGMA Portal. The Department has monitored the GSP development effort in the Upper San Luis Rey Valley Subbasin due to the unique nature of the basin and its stakeholders and, of course, in accordance with the guidelines for the Proposition 1 GSP Planning grant awarded to Yuima Municipal Water District (YMWD).

The Department recognizes that local agencies and communities throughout the state are dealing with many stressors and appreciate that the Pauma Valley GSA is working to stay on track with SGMA's statutory deadlines. Per our conversations, the Department is interested in better understanding and documenting the current status of the GSP development efforts pursuant to Pauma Valley GSA's amended MOU. Accordingly, the Department is seeking a written response to the following questions and would appreciate answers to be provided by October 9, 2020.

- 1) Please describe the specific nature of and reasons for the impasse as reported in YMWD's Proposition 1 SGWP Grant Progress Report Numbers 3 through 5 to the Department over the last year?

Ms. Amy Reeh  
Page 2  
Sept. 15, 2020

- 2) Does either the impasse or the amended GSA MOU uploaded to the Department's GSA formation webpage on July 17, 2020, affect preparation of a GSP? Please explain.
- 3) How will the current GSP preparation process under the recently revised MOU integrate or consider Tribal interests?

Our conversations also touched on Pauma Valley GSA's previous use of the state's facilitation support services specifically to support improved coordination between the GSA and Tribal interests. The Department continues to believe that the best chance for successful and robust local SGMA implementation is for both the Tribes and GSA to work transparently and cooperatively, along with other basin stakeholders. You stated clearly that Pauma Valley GSA recognizes the need for cooperative and inclusive engagement between the GSA and tribal governments to achieve sustainability of groundwater resources in the subbasin. Additionally, I noted your interest in resuming use of the Department's facilitation support services. In my email to you on August 28, 2020, per your request, I provided the contact information of our Facilitation Support Services Coordinator, Simar Dhanota, along with other key Department contacts to further facilitate Pauma Valley GSA's access to the range of local assistance offerings and support tools designed to help GSAs engage in an inclusive and transparent GSP development process.

The Department is committed to assisting local agencies with navigating the challenges of SGMA implementation. As the point of contact for the Pauma Valley GSA, should you have any questions or concerns with fulfilling the Department's request for information or with SGMA more generally, please do not hesitate to reach out to me or any of the contacts previously identified for you. Thank you again for our recent conversations and I look forward to the follow up.

Sincerely,



Taryn Ravazzini  
Deputy Director  
Statewide Groundwater Management

cc:

Mr. Bo Mazzetti, President and Chair, San Luis Rey Indian Water Authority

Board of Directors  
Pauland Simpson - President  
Steve Wahr - Vice President  
Don Brownell - Secretary/Treasurer  
Lancy Vihalehna - Director  
Richard Fontaine - Director



**MUNICIPAL WATER DISTRICT**  
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e-mail: [yuima@yuimamwd.com](mailto:yuima@yuimamwd.com)

September 17, 2020

Bo Mazzetti  
President  
San Luis Rey Indian Water Authority  
P.O. Box 428  
Pauma Valley, CA 92061

Re: Groundwater Sustainability Agency and Stakeholder Outreach Meetings

Dear Mr. Mazzetti:

As you know, the Sustainable Groundwater Management Act and the development of a Groundwater Management Plan (GSP) is the single most important challenge the Upper San Luis Rey Basin and the community of Pauma Valley faces today. Our community is largely dependent on groundwater to support the many diverse businesses in our valley and the community members employed by those businesses.

In a continual effort to engage the valued stakeholders of the basin, the Upper San Luis Rey Groundwater Sustainability Agency encourages and welcomes the participation of the San Luis Rey Indian Water Authority in the monthly meetings of the GSA as we endeavor to develop a GSP that will honor and respect the water interests of all of the basin stakeholders.

The GSA meetings are to be held on the fourth Wednesday of each month at 3:00 p.m. Currently, these meetings are held via a Zoom conference. The GSA will provide a link to the meeting with the meeting agenda to all invitees.

We look forward to developing a cohesive working relationship with the participants of this process and hope to include the IWA in that group.

Kindest Regards,

A handwritten signature in black ink that reads "Amy Reed". The signature is fluid and cursive, with the first letters of "Amy" and "Reed" being capitalized and prominent.

Amy Reed  
Interim General Manager

# Agenda

## Upper San Luis Rey Groundwater Subbasin G.S.A Executive Team

Wednesday, September 23, 2020 3:00 P.M.  
34928 Valley Center Road, Pauma Valley, California

**This meeting will be held via Zoom. Please see the instructions to participate attached to this agenda.**

### AGENDA TOPICS

1. **Call to Order**

Introduction of Attendees

2. **Stakeholder Outreach**

- 2a. Comprehensive List of Stakeholders
- 2b. Initial Notice Process - Content of required Notification
- 2c. Data Collection Portal
- 2d. Other?

3. **Invitation to Join the Regional Advisory Committee of the San Diego Integrated Regional Water Management (SDIRWM).**

The San Diego IRWM Regional Water Management Group has been talking about inviting a representative of one of the region's SGMA programs to serve as a non-voting member of our Regional Advisory Committee. They would like to add a formal presence for SGMA in the IRWM Program. As the lead agency of the GSA, the SDIRWM has invited Yuima to be a non-voting member representing the Upper San Luis Rey GSA.

4. **Adjournment**

## Directions for Meeting via Zoom

To download on your Phone.

1. Install the Zoom application (iPhone users to download through the App Store, Android users download through Google Play) on your phone.
2. Click on join Meeting
3. Enter Meeting Number – **760 742 3704**
0. *Please enter password – 2320999*
4. Click the Join button

Using Zoom on your PC or laptop.

1. Please go to [zoom.com](https://zoom.us)
2. Click Join Meeting
3. Enter Meeting ID number- **760 742 3704**
1. *Please enter password – 2320999*
4. Click the Join button





Amy Reeh &lt;amy@yuimamwd.com&gt;

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**GSA & Stakeholder Outreach Meetings**

1 message

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**Carmen Rodriguez** <carmen@yuimamwd.com>  
To: bomazetti@aol.com  
Cc: Amy Reeh <amy@yuimamwd.com>

Fri, Sep 18, 2020 at 8:42 AM

Good Morning Chairman Mazzetti,

Please see attached correspondence from Amy Reeh.

Sincerely,

**Carmen Rodriguez** | Administrative Assistant | **Yuima Municipal Water District**

PO Box 177 | Pauma Valley, CA 92061 |

Office: (760) 742-3704 | [carmen@yuimamwd.com](mailto:carmen@yuimamwd.com)

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 Letter to SLRIWA 2020-09-17.pdf  
283K

Board of Directors  
 Roland Simpson – President  
 Steve Wehr – Vice-President  
 Don Broomell – Secretary/ Treasurer  
 Lancy Villalobos - Director  
 Richard Fontaine - Director



**MUNICIPAL WATER DISTRICT**  
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 e-mail: [yuima@yuimamwd.com](mailto:yuima@yuimamwd.com)

October 9

~~August 2~~, 2020

Taryn Ravazinni  
 Deputy Director  
 Statewide Groundwater Management  
 California Department of Water Resources (DWR)  
 P.O. Box 942836  
 Sacramento, CA 94236-001  
[Taryn.ravazinni@water.ca.gov](mailto:Taryn.ravazinni@water.ca.gov)

TRANSMITTAL VIA E-MAIL

**RE: Upper San Luis Rey Valley GSP Development – Response to DWR September 15, 2020 Letter**

Dear Ms. Ravazinni,

Thank you for your September 15 letter following up on our telephone conversations on August 28 and September 10, 2020. As I indicated during our conversation, the Pauma Valley GSA, and Yuima as the lead agency, is eager to assist DWR, and other interested state agencies, in addressing any concerns that may arise during the process of developing a groundwater sustainability plan (GSP) in the Upper San Luis Rey Valley Sub-Basin (“Sub-Basin”).

In an effort to do just that the GSA offers the following information in response to your questions posed in your letter.

- 1) *“Please describe the specific nature of and reasons for the impasse as reported in YMWD’s Proposition 1 SGMP Grant Progress Report Numbers 3 through 5 to the Department over the last year?”*

During the GSP consultant selection and Scope of Work development process the participants of the 2019 Memorandum of Understanding were unable to agree on a contract scope of work for GSP preparation. As part of the 2019 MOU, the Parties to the MOU, including the San Luis Rey Indian Water Authority (USLRIWA), approved a relatively simple draft scope of work (attached hereto with 2019 MOU), that followed DWR regulations for GSP development. However, when it came to agreeing upon actual contract tasks with a GSP Consultant, the SLRIWA sought to add a new and controversial task that was not addressed, nor contemplated, in the 2019 MOU, or at any other prior time. This specific proposed directive (referred to by the MOU participants as proposed Task 2.3) would require the GSP consultant to evaluate, and de-facto adjudicate, the water rights of all groundwater users in the basin, interpret state law rights and analyze them vis-a-vis federal

reserved water rights (FRWR) asserted by USLRIWA members, and then use the Consultant's conclusions about the relative rights of various groundwater producers in the Sub-Basin to develop a water budget.

The representatives of the San Luis Rey Indian Water Authority desired to have the physical amount of land (number of acres) owned by each groundwater producer to be the determining water rights factor and included in the calculation methodology of the water budget. The representatives of the other participants felt strongly that it is not the job of the GSP consultant to adjudicate water rights—indeed SGMA would not appear to permit such an approach<sup>1</sup>—and that a water budget should be developed based upon the DWR GSP Regulations and upon how much water enters and leaves the Basin under different hydrologic conditions. Unfortunately, despite many months and numerous attempts by Yuima and other stakeholders to revise this section of the draft consultant contract to reach a compromise approach, USLRIWA continued to insist upon an adjudication/quantification of FRWR in the GSP, and the workgroup was unable to reach agreement on an approach acceptable to all parties.

That stated, Yuima, and the other members of the USLR GSA, continue to encourage robust participation by USLRIWA (and its Tribal members) in the development of a GSP for the USLR Sub-Basin in a manner in which Tribal members feel comfortable participating. To date, the USLRIWA has been unwilling to participate, but Yuima will continue to invite Tribal representatives, and solicit their participation at every stage of GSP development. Bottom line, whether Tribal representatives choose to participate in the GSP development process or not, any GSP developed for the Sub-Basin will fully comply with SGMA's mandate that "Indian Reserved Water Rights shall be respected in full."<sup>2</sup>

- 2) *"Does either the impasse or the amended GSA MOU uploaded to the Department's GSA formation webpage on July 17, 2020, affect preparation of a GSP?"*

Neither the impasse nor the amended GSA MOU will affect the preparation of a GSP since the members of the GSA after amendment of the 2017 MOU are the same agencies that were going to manage the Sub-Basin per SGMA before the impasse with the USLRIWA arose in 2019. Amending the 2017 MOU allowed the governing body of the GSA to move forward with the preparation of a GSP in order to meet the deadlines for GSP submission established in SGMA. It is important to note that the 2019 MOU was established only to form a committee to potentially develop the GSP and did not change the governance structure of the GSA created by the 2017 MOU, nor did it in any way negate the governing powers of the signatories to the 2017MOU. This was clearly stated in section 2(d) of the 2019 MOU of which I have attached a copy. Amendment of the 2017 MOU in July 2020

<sup>1</sup> Water Code section 10720.5(b) states that nothing in a GSP "alters surface water rights or groundwater rights under common law or any provisions of law that determines or grants surface water rights." Determining and quantifying FRWR in a GSP would appear inconsistent with Section 10720.5(b). FRWR are not awarded by the State (or a federal agency).

<sup>2</sup> The Scope of Work for the GSP specifically mandates the GSP be developed in a manner that fully respects FRWR. From page 7 of the Request for Qualifications (incorporated by reference into the Geoscience GSP Contract): *"Portions of the La Jolla, Pala, Pauma, and Rincon Tribes are located within the Upper Subbasin. The San Pasqual Tribe is also located in the vicinity of the Upper Subbasin. The GSP and GSA will need to consider and respect federally reserved water rights to groundwater as part of the management of the Basin. A confidentiality agreement between the consultant and tribes (as well as other pumpers) may be required in order to ensure the consultant can obtain pumping, well elevation, and other data to complete the GSP."*

was needed not because of the impasse with the Tribes, but because of the need to clarify Yuima's role as lead agency for GSP development given the County of San Diego's withdrawal from the 2017 MOU (and the GSP development process) in 2019.

Since the signing of the amended MOU in July 2020, the Executive Committee of the GSA has selected a GSP consultant, Geoscience Support Services, Inc., who has been retained by Yuima and who has already begun work on development of a GSP—including a robust stakeholder outreach and participation plan.

3) *"How will the current GSP preparation process under the recently revised MOU integrate or consider Tribal interests?"*

The Pauma Valley GSA believes that participation of *all* basin stakeholders, including Tribal stakeholders, is of great importance throughout the development of the GSP for the Sub-Basin.


The Pauma Valley GSA demonstrated their desire to include Tribal interests by repeatedly requesting the participation of the San Luis Rey Indian Water Authority (IWA) in the amended MOU Executive Team. The IWA declined to participate, stating that the IWA "does not recognize the current legitimacy of the Groundwater Sustainability Agency created under the 2017 Memorandum of Understanding". As previously stated, the GSA formed under the 2017 MOU has always been the GSA for the Sub-Basin. The GSA continues to engage Tribal interests by sending invitations and meeting notices to the President of the IWA, Rincon Tribal Chairman Bo Mazzetti, via email and regular mail service. These attempts have thus far not resulted in Tribal participation.

Not only will the GSA continue to encourage the participation of the Tribes by sending invitations and meeting notices for each GSA meeting, and giving them a seat on the GSP development Executive Team should they desire to participate in this capacity, we will also solicit their participation via the GSP stakeholder outreach process. Outreach for participation will not only be sent to the IWA but to each Tribe individually.

As indicated in your letter, the GSA recognizes the need for Tribal participation throughout this process and is committed to making every effort to build a cooperative working relationship with the Tribal interests in the Sub-Basin. Their knowledge and experience will be a valuable asset to the process as we move forward. As suggested by your Department, Yuima has reached out to Simar Dhanota in DWR's facilitation support services division to assist in this endeavor. It is our fervent hope that she can assist the GSA with facilitation of a meeting with, and future participation in GSP development of, the IWA. Until this comes to pass, we will continue our outreach efforts in the hopes the Tribes will soon choose to join us in developing a fair, equitable, and legally compliant GSP for the Upper San Luis Rey Groundwater Sub-Basin.

I sincerely appreciate the Department's commitment in assisting our agency through this difficult process. I also appreciate your time and effort in helping the Pauma Valley GSA and the IWA find common ground on which to build a strong, cohesive relationship for the future.

Warmest Regards,



Amy Reed  
Interim General Manager  
Yuima Municipal Water District, GSA Lead Agency

cc: Bo Mazzetti, President, San Luis Rey Indian Water Authority

enclosures: Copy of 2019 Memorandum of Understanding (with approved scope of work)  
Copy of outreach letters to IWA  
Copy of letter received from IWA

**MEMORANDUM OF UNDERSTANDING FOR PHASE I: DATA COLLECTION FOR  
DEVELOPMENT OF A GROUNDWATER SUSTAINABILITY PLAN  
FOR THE UPPER SAN LUIS REY GROUNDWATER SUBBASIN**

**1) Parties**

- a) Local Entities Primary Agencies:
  - i) Pauma Valley Community Services District
  - ii) Yuima Municipal Water District
- b) Local Entities Secondary Agencies
  - i) Upper San Luis Rey Resource Conservation District
  - ii) Pauma Municipal Water District
  - iii) Valley Center Municipal Water District
  - iv) Rainbow Municipal Water District
- c) Tribal Entity
  - i) San Luis Rey Indian Water Authority

**2) Purpose**

In order to bridge the gap between the Prior MOU and a new Memorandum of Understanding to be entered into by and among the Parties in light of the passage of AB 1944, the Parties desire to:

- a) Set parameters for the selection, direction and compensation of a Consultant to complete Study Tasks 1 and 2, which tasks are necessary to develop a single Groundwater Sustainability Plan for the USLR Subbasin in compliance with SGMA and its implementing regulations and in anticipation of preparing a Groundwater Sustainability Plan and entering into further governance agreements.
- b) Establish a Technical Team and an Executive Team to provide for effective use of available Grant Funding, enable technical transparency, and provide technical and program management oversight of the work of the Consultant(s).
- c) Maximize use of the Grant Funds to pay Consultant Costs.
- d) This MOU is solely for the above-described purposes. The Parties may negotiate and enter into separate agreement(s) related to governance of a groundwater sustainability agency and other issues beyond the scope of this MOU.

**3) Definitions**

- a) "Consultant" means the consultant(s) selected and retained by Yuima with the consent of the Technical Team and the Executive Team on behalf of the Parties to perform the Study contemplated herein.
- b) "Consultant Costs" means all fees, costs and/or other charges paid to Consultant for preparation of Study Tasks 1 and 2.
- c) "Consensus" as used in this MOU shall mean the approval of eighty percent (80%) of the members of the Executive Team, the Technical Team, and/or the Work Group, as the case may be, on any given decision.
- d) "County" refers to the County of San Diego.
- e) "DWR" refers to the California Department of Water Resources.

- f) “Executive Team” refers to the group described in Section 4 herein.
- g) “Executive Representative” has the meaning set forth in Section 4(b)(i) herein.
- h) “Governing Body” means the decision making body of each Party.
- i) “Groundwater Sustainability Plan” or “Plan” is the basin groundwater sustainability plan for the SLR Basin that the Parties to this MOU are seeking to develop pursuant to SGMA.
- j) “GSA” means Groundwater Sustainability Agency under SGMA.
- k) “Grant Funds” or “Grant Funding” refers to the grant awards from (i) the State of California Department of Water Resources through San Diego County Water Authority IRWM Disadvantaged Community Involvement Grant Program to Yuima for Project No. 4-80057 in the amount of \$753,200 and (ii) the State of California Department of Water Resources Sustainable Groundwater Program to Yuima for Project No. 3 San Luis Rey Groundwater Sustainability Plan in the amount of \$500,000, for a total of \$1,253,200 and any other grants as may be obtained regarding the development of the Plan.
- l) “Local Entity Primary Agencies” refers to each of Pauma Valley Community Services District and Yuima Municipal Water District.
- m) “Local Entity Secondary Agencies” refers to the Upper San Luis Rey Resource Conservation District, Mootamai Municipal Water District, Pauma Municipal Water District, Valley Center Municipal Water District and the Rainbow Municipal Water District.
- n) “Local Entity Costs” means those costs to be paid by the Local Entity Parties in accordance with the Local Entity Allocations, this Agreement and all applicable Grant Fund agreements.
- o) “Local Entity Parties” means collectively the Local Entity Primary Agencies and the Local Entity Secondary Agencies.
- p) “Local Entity Allocations” refers to the amount of funds to be paid by each of the Local Entity Parties to cover the Local Share of the costs to complete Study Tasks 1 and 2 and administrative costs related thereto, as follows:
- |   |              |
|---|--------------|
| i) Pauma Valley Community Services District:          | \$100,000.00 |
| ii) Upper San Luis Rey Resource Conservation District | \$ 12,500.00 |
| iii) Pauma Municipal Water District                   | \$ 12,500.00 |
| iv) Yuima Municipal Water District                    | \$100,000.00 |
| v) Valley Center Municipal Water District             | \$ 12,500.00 |
| vi) Rainbow Municipal Water District                  | \$ 12,500.00 |
- vii) County has agreed to provide \$150,000.00 towards the Local Share for the preparation of the Plan, to be memorialized through a separate instrument.
- viii) Notwithstanding any other provision of this MOU, the funds allocation for the Local Entities Secondary Agencies shall be a one-time charge as provided for hereinabove during the term of this MOU, which amounts are anticipated to be sufficient to fund Study Tasks 1 and 2 as well as development of the Plan; the Local Entities Secondary

Agencies shall not be obligated to make any other payments arising from or related to this MOU, except as provided in a written amendment to this MOU signed by all the Parties.

- q) “Local Share” means the difference between (i) the total cost of Study Tasks 1 and 2 (including administrative costs related thereto), and (ii) the Grant Funds received for the conduct of Study Tasks 1 and 2 as well as development of the Plan.
- r) “Memorandum of Understanding” or “MOU” refers to this agreement.
- s) “Party” refers to each of the Pauma Valley Community Services District, Upper San Luis Rey Resource Conservation District, Yuima Municipal Water District, Valley Center Municipal Water District, Rainbow Municipal Water District, Mootamai Municipal Water District, and/or San Luis Rey Indian Water Authority (collectively “Parties”).
- t) “Pauma MWD” refers to the Pauma Municipal Water District.
- u) “Pauma Valley CSD” refers to the Pauma Valley Community Services District.
- v) “Prior MOU” means that certain Memorandum of Understanding entered into by Pauma Valley Community Services District, Yuima Municipal Water District, County of San Diego and Upper San Luis Rey Resource Conservation District dated, June 27, 2017. In the event of a conflict between the terms of this MOU and the Prior MOU, the terms of this MOU shall govern.
- w) “Rainbow MWD” refers to the Rainbow Municipal Water District.
- x) “SGMA” refers to the Sustainable Groundwater Management Act, Water Code Section 10720 *et seq.*, and any amendments thereto.
- y) “SLRIWA” refers to the San Luis Rey Indian Water Authority.
- z) “State” means the State of California.
- aa) “Study” means the study of the USLR Subbasin to be prepared by the Consultant in accordance with the Scope of Work attached hereto as Exhibit A and incorporated herein by this reference, funded by the Parties in accordance herewith, together with any and all ancillary actions arising out of or relating to the defense thereof. The Study is to be undertaken by way of individual tasks/Task Orders, in the discretion of the Executive Team and Technical Team.
- bb) “Study Tasks 1 and 2” means Task 1, Existing Data Compilation and Task 2, Existing Data Assessment, described in the Study attached as Exhibit A hereto.
- cc) “SWRCB” refers to the State Water Resources Control Board.
- dd) “Task Orders” shall be the individual tasks to be undertaken by the Consultant under its contract(s) with Yuima.
- ee) “Technical Team” means the group comprised of one technical representative from each Local Agency Primary Entity, one Technical Representative (defined below) and two technical representatives from the San Luis Rey Indian Water Authority, for a total of five (5) members.
- i) Selection of Local Entities Secondary Agencies’ Representative. The Local Entities



Secondary Agencies shall elect from among their members one representative with expertise in groundwater management, water resources management or similar field(s) to represent the interests of the Local Entities Secondary Agencies on the Technical Team (“Technical Representative”).

- ii) The Technical Representative shall serve at the pleasure of the Local Entities Secondary Agencies and shall promptly report the activities and actions of the Technical Team to the designee of each of the Local Entities Secondary Agencies.
  - ff) “Technical Representative” shall have the meaning set forth in Section 3(ff)(i) herein.
  - gg) “Tribe Party Costs” means those costs to be paid by the San Luis Rey Indian Water Authority pursuant to this MOU.
  - hh) “USLR Subbasin” means the Upper San Luis Rey Valley Groundwater Subbasin identified as that portion of Basin 9-007 in Bulletin 118 (2016) east of the dividing line located at the east line of Range 3 West, San Bernardino Meridian.
  - ii) “USLRRCD” refers to the Upper San Luis Rey Resource Conservation District.
  - jj) “VCMWD” refers to Valley Center Municipal Water District.
  - kk) “Work Group” refers to that group of individuals comprised of the staff members, attorneys and/or consultants as each Party may select from time to time to represent it with regard to this MOU.
  - ll) “Yuima” refers to the Yuima Municipal Water District.
- 4) The Executive Team will work on Consultant selection and overall direction of the Consultant’s efforts. In so doing, the Executive Team shall act on behalf of and in the best interest of all Parties.
- a) The Executive Team shall be responsible for providing Yuima with professional advice related to monitoring of performance of all Task Orders awarded to the Contractor.
  - b) The Executive Team shall consist of the following: SLRIWA (4 members, at least two of whom shall be a board member, attorney, or staff member) Yuima (2 members, at least one of whom shall be a board member, attorney, or staff member), Pauma Valley CSD (2 members, at least one of whom shall be a board member, attorney, or staff member), and two (2) Executive Representatives. As and to the extent each Executive Team member deems necessary, such member’s legal counsel may also attend Executive Team meetings either in person or by teleconference. The Executive Team members shall have authority to act on behalf of the entit(ies) they represent. The Executive Team members should be knowledgeable about SGMA and/or groundwater management in the USLR Subbasin. The members of the Executive Team shall determine among themselves a chair of the Executive Team.
- i) Selection of Local Entities Secondary Agencies’ Representative. The Local Entities Secondary Agencies shall elect from among their members a total of two representatives to represent the interests of the Local Entities Secondary Agencies on the Executive Team (“Executive Representatives”).
  - ii) The Executive Representatives shall serve at the pleasure of the Local Entities Secondary Agencies and shall promptly report the activities and actions of the Executive Team to the designee of each of the Local Entities Secondary Agencies.

- iii) Each Executive Team member shall serve at the pleasure of the appointing Party (or, in the case of the Executive Representatives, the pleasure of the Local Entities Secondary Agencies), and may be removed from the Executive Team by them.
  - c) Each Executive Team member's compensation for service on the Executive Team, if any, will be the responsibility of the appointing Party (or, in the case of the Executive Representatives, the Party by whom each Executive Representative is employed).
  - d) The Executive Team will meet periodically as needed to carry out the activities described herein.
  - e) Each member of the Executive Team shall be responsible for keeping his/her respective management and governing board (or, in the case of the Executive Representatives, the designees of each of the Local Entities Secondary Agencies) informed of the progress on Study Tasks 1 and 2 and for obtaining any necessary approvals from management(s)/governing board(s) in its participation in the Study process.
  - f) The Executive Team shall make recommendations and decisions by Consensus regarding selection and direction of the Consultant, and other matters as may come before the Executive Team for action or recommendation.
- 5) Selection of Consultant
- a) With the Consensus of the Technical Team as to the technical parameters set forth in the Request for Qualifications, Yuima shall issue a Request for Qualifications for the preparation of the Study.
    - i) Yuima shall distribute the Request for Qualifications to not less than 5 consulting companies recommended by the Technical Team and advertise the same in the Daily Business Journal, [caleprocure.ca.gov](http://caleprocure.ca.gov) and Brown and Caldwell's Waternews.
  - b) Upon receipt of responses to the Request for Qualifications, Yuima shall distribute all responses to the Executive Team and the Technical Team.
  - c) The Technical Team shall evaluate the responses and rank them in accordance with the criteria and procedures set forth in the attached Exhibit B.
  - d) The Executive Team and Technical Team shall, based on the criteria set forth in Exhibit B, reach Consensus as to the selection of the Consultant.
  - e) Yuima shall negotiate a contract with the Consultant to complete all tasks necessary to complete the Study. The contract shall include a provision requiring the Consultant to indemnify the Parties to the maximum extent permitted by law.
  - f) After negotiating with the Consultant, Yuima shall return the draft contract to the Executive Team for discussion and to seek to obtain full agreement or Consensus regarding the contract terms. Upon Consensus approval of the Consultant Contract terms, Yuima shall execute the contract.
- 6) Direction of Consultant
- a) Yuima will consult with the Executive Team regarding direction and Task Orders to be given to the Consultant.

- b) At its sole discretion, the Executive Team may request input, information and/or consultation from the Technical Team on any matter that comes before the Executive Team.
  - c) All direction to Consultant shall be provided directly from Yuima to Consultant in accordance with the direction of the Executive Team to Yuima.
  - d) All changes to the scope of Study Tasks 1 and 2 or addition of new tasks shall be approved by Consensus of the Work Group.
  - e) Changes to the cost of Study Tasks 1 and 2 in excess of ten percent (10%) over the contract amount shall be approved by Consensus of the Executive Team.
- 7) Compensation of Consultant
- a) The Parties estimate that the costs to complete Study Tasks 1 and 2 will not exceed \$600,000.
  - b) Grant Funds total \$1,289,900.
  - c) Local Share of Study Tasks 1 and 2 totals approximately \$300,000 and shall be paid by the Parties as follows:
    - i) 50% of the Local Share (approximately \$150,000) shall constitute Local Entity Costs and shall be paid by the Local Entity Parties in accordance with the Local Entity Allocations.
    - ii) 50% of the Local Share (approximately \$150,000) shall constitute Tribe Party Costs and shall be paid by SLRIWA.
  - d) To the extent Study Tasks 1 and 2 costs exceed the \$600,000 estimate and grant reimbursements have not been timely received to cover the cash flow needs, then such costs will be allocated 50% as Tribe Party Costs and 50% as Local Entity Costs paid from funds remaining in the Trust Account (defined below) in accordance with the Local Entity Allocations. Provided, however, that Yuima shall, with the concurrence of the Executive Team, apply for other available, SGMA-applicable grant funding and utilize any further grant funds received to offset the Tribe Party Costs and Local Entity Costs. The Executive Team and Yuima may also consider the use of a 'bridge' loan to cover any cash flow shortages due to the length of time it may take to receive Grant Funds.
  - e) At the time Yuima issues the Request for Qualifications, Yuima shall establish a trust account ("Trust Account") into which each Party shall deposit its respective portion of the Local Share pursuant to paragraph 7(c), above (the "Party Deposits"). After each Party has made its respective Party Deposit, Yuima shall issue a Notice to Proceed to the selected Consultant.
  - f) Yuima shall make periodic payments to the Consultant from the Party Deposits and promptly process requests for reimbursement from the Grant Funds so long as such payments are within the financial parameters approved by the Executive Team.
  - g) If, at any time, the total balance of Party Deposits falls below \$50,000, the Primary Entities shall make such additional deposits as may be determined by the Executive Team to be necessary, which amounts shall be allocated 50% as Tribe Party Costs and 50% as Local Entity Costs paid by the Local Entities Primary Agencies in accordance with the

Local Entity Allocations. Additional deposits due pursuant to the preceding sentence shall be paid by each of the Local Entities Primary Agencies and SLRIWA within thirty (30) days of written notice of Executive Team determination.

- h) On the six-month anniversary of the first Party Deposit into the Trust Account and on each six-month anniversary thereafter, the Executive Team shall examine the balance of funds on deposit in the Trust Account to determine if a refund to the Parties of excess funds is necessary or appropriate. If and to the extent the Executive Team shall determine a refund is appropriate, all refunds shall be allocated to the Parties on the same percentages as the Parties' respective actual deposits.
  - i) Yuima shall be reimbursed for its actual costs to administer the Consultant Contract and Grant agreements as well as any out of pocket expenses reasonably incurred, as approved by the Executive Team, not to exceed 10% of the Grant Funds plus Local Share. Yuima shall be reimbursed from funds in the Trust Account.
- 8) Data Collection and Transmission
- a) The Parties acknowledge that to complete Study Tasks 1 and 2, Consultant will require data from the Parties, as well as their respective landowners and water users, and the Parties commit to use their best efforts to obtain such data.
  - b) Each Party shall provide all existing data requested by the Consultant in its possession or control directly to the Consultant, marked "Confidential pursuant to Government Code Section 6254(e)."
  - c) The Parties shall take all reasonably practicable steps to protect the confidentiality of all data provided to the Consultant and shall work with the Consultant to ensure protection, to the maximum extent permitted by law, of all data controlled and utilized by the consultant.
    - i) In the event any third party files suit seeking to discover all or any portion of the data provided to the Consultant, the costs to defend such lawsuit(s) shall constitute a project cost to be paid (i) first from Grant Funds as and to the extent permitted by the applicable grant agreements; and (ii) second by the Parties allocated 50% as Tribe Party Costs and 50% as Local Entity Costs paid in accordance with the Local Entity Allocations.
- 9) Grant Funds
- a) Yuima shall work with DWR and all grant agencies that have committed funds for the preparation of the Plan to ensure that all Grant Funds are available for payment of all Consultant Costs.
- 10) Insurance. The Local Entities and the SLRIWA shall be responsible for obtaining and maintaining such insurance in such amounts relative to the GSA activities and the actions contemplated herein, to the extent each Party deems appropriate. The Parties intend to ensure that the GSA will obtain liability coverage from the Association of California Water Agencies Joint Powers Insurance Authority upon its formation.
- 11) Meetings.
- a) A representative of Yuima shall coordinate meetings and proceedings of the (i) Work

Group, (ii) Executive Team, and (iii) Technical Team. Yuima shall invite such representative(s) of the County as its Planning Director may designate from time to time to attend all such meetings.

12) Each Party will be responsible to pay any expert(s)/consultant(s)/legal counsel it may elect to hire to assist it with regard to preparation of Study Tasks 1 and 2.

13) This MOU, including all recitals and exhibits hereto, constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes any and all prior or contemporaneous understandings negotiations, representations, promises, and agreements, oral or written, by or between the Parties, which respect to the subject matter of this MOU. This MOU may be amended, modified, or supplemented only by a writing signed by the Parties.

14) Effective Date: This MOU shall be effective as of the 21<sup>st</sup> <sup>MARCH</sup> day of ~~January~~, 2018.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed by their duly authorized representatives.

Pauma Valley Community Services District

Samuel R. Lopez  
By: \_\_\_\_\_  
Its: President

Upper San Luis Rey Resource Conservation District

O. Ogden Watson  
By: O. OGDEN WATSON  
Its: SECRETARY/TREASURER

Yuima Municipal Water District

Richard S. Williamson  
By: Richard S. Williamson  
Its: General Manager

Pauma Municipal Water District

Warren C. Lyall  
By: WARREN C. LYALL  
Its: PRESIDENT

Valley Center Municipal Water District

Gary Grant  
By: GARY GRANT  
Its: GENERAL MANAGER  
San Luis Rey Indian Water Authority

Rainbow Municipal Water District

Tom Kennedy  
By: TOM KENNEDY  
Its: GM

[Signature]  
By: \_\_\_\_\_  
Its: President

**EXHIBIT A**  
**SCOPE OF WORK FOR DATA COLLECTION**

The Data Development phase of Groundwater Sustainability Plan (GSP) preparation for the Upper San Luis Rey Valley Groundwater Subbasin (Basin) will require completion of the following tasks.

**Task 1 Existing Data Compilation**

Consultant shall collect data from all available sources to aid in development of the GSP. Data could include, but is not limited to, local and regional reports, plans, studies, models, existing well information, basin condition information, pumping records, groundwater elevation data, surface and groundwater quality data, stream gauging data, precipitation records, water rights summary, water demand (including historic use), groundwater contamination, prior water budgets, subsidence records, and other information pertinent to GSP development. This task also includes coordinating with the tribes located in the Pala and Pauma Subbasins and incorporating tribal data, as available.

*Deliverable:*

- *Consultant shall provide a digital library of data, catalogued with a reference summary and table of contents. Data will be provided in excel file format, and also GIS file format.*
- The Consultant shall also provide an explanation of how data gaps will be filled, including regarding well production information that may be lacking for particular areas of the Basin. The consultant should be prepared to make recommendations to the GSA as to particular areas of the Basin / particular wells where focused efforts may be needed to collect well production information to fill data gaps to ensure the modeling effort and other aspects of the GSP can be fully completed.

**Task 2 Existing Data Assessment**

Consultant shall review collected data and ensure that it corresponds to the data requirements in the California Water Code (CWC) Sections 10727 through 10728.6 and the Emergency Regulations. Consultant will identify any data gaps necessary to address GSP requirements and make recommendations to the SLR Team on how best to fill those gaps.

*Deliverable:*

- *Consultant shall provide a Technical Memorandum: Existing Data Assessment (data gaps and recommendations).*

**Task 3 Develop Monitoring Program**

Consultant shall develop a plan for a monitoring network in the Pauma and Pala Subbasins, which shall include water level monitoring and water quality sampling throughout the GSP implementation phase. The monitoring program must be sufficient to meet SGMA requirements and ensure that the network will provide sufficient temporal frequency and spatial density to evaluate the effectiveness of GSP implementation.

*Deliverable:*

- *Consultant shall provide Technical Memorandum: Monitoring Program.*

#### **Task 4 Water Level Monitoring**

Consultant shall conduct quarterly water level monitoring of up to 40 wells in the groundwater monitoring network in the Pauma and Pala Subbasins. A minimum of four rounds of monitoring to be provided per contract year.

##### Deliverable:

- *Consultant shall provide Water Level Data (Excel data and graph) for each well monitored.*

#### **Task 5 Water Quality Data Sampling and Analysis**

Consultant shall conduct semi-annual groundwater sampling of wells located in the Pauma and Pala Subbasins. Approximately 20 wells are anticipated to be sampled each round. These wells will be selected by the SLR Team upon recommendation by the Consultant. Consultant shall obtain samples from existing operable wells. Consultant shall provide a Sampling and Analysis Plan (SAP) that will detail sampling protocol, analytical methods, and quality assurance/quality control requirements. Consultant shall measure field parameters, including dissolved oxygen, specific conductance, pH, and water temperature prior to sampling. Consultant shall obtain water samples using appropriate sampling methodology and submit samples to a California-certified laboratory for analysis. Each sample shall be analyzed for nitrate, total dissolved solids (TDS), arsenic, gross alpha and uranium. Consultant will utilize water level and quality data to determine water level trends and groundwater quality trends for constituents of concern in the basin. A minimum of two rounds of sampling to be provided per contract year.

##### Deliverables:

- *Consultant shall provide a single Sampling and Analysis Plan (SAP) for all wells sampled.*
- *Consultant shall conduct sampling and provide Laboratory Results (Excel and pdf) for each well identified in the SAP.*

#### **Task 6 Locate Existing Wells**

Consultant shall conduct field investigations to identify wells, well locations and well owners for wells not identified in Task 1, above.

##### Deliverables:

- *Consultant shall provide well information (Excel and GIS)*

#### **Task 7**

All such other tasks as may be necessary to develop the Groundwater Sustainability Plan and form the GSA.

## EXHIBIT B

## RFQ Selection Criteria

**CONSULTANT SELECTION PROCESS**

The Technical Team will evaluate and rank each proposal based on the evaluation criteria outlined below. After ranking the proposals, the Technical Team will hold interviews with the top ranked firms.

Once the top firm/team has been determined, the Technical Team will recommend to the Executive Team to enter into a contract with the top firm. Once the top firm/team has been determined, Yuima staff will start contract negotiations with the firm/team. If contract negotiations are not successful, the second ranked firm/team may be asked to negotiate a contract, and so on. After the contract is negotiated, will seek Consensus to execute the contract.

**EVALUATION CRITERIA**

The proposals will be scored on a 100-point total basis using a value based evaluation criteria including:

- Quality and completeness of the qualifications submittal. (20%)
- Understanding of project requirements, and key project issues and challenges. (20%)
- Proposed approach for completing the project on schedule, efficiently, effectively and suitable for approval by DWR. (40%)
- Project team qualifications, experience with similar projects and potential for conflict of interest with any of the local agencies or tribes. (20%)

The Technical Team may amend by majority vote the relative weight given to each criteria.