Notice and Communication (Appendices C, C1)

We appreciated the strong commitment to stakeholder outreach and engagement expressed by the members of the Ad Hoc committee on the calls in which we participated. It would be helpful if more information about those efforts were provided in this plan For instance, how successful were efforts to reach all classes of beneficial users? Where is more effort – or a different approach – needed? In this area, we are specifically interested in your success in reaching domestic well users. We have the same question about public engagement – how successful were your efforts to encourage the "active involvement" of the general public[2]?. Specifically, how successful were your outreach efforts to Spanish-speaking residents in the basin?

O8-2

It would also be helpful if the plan could identify how input received was incorporated. Can you provide more specifics about how the plan was amended in response to public input?

We are also interested in how outreach and communications continue through the plan's implementation, as required in statute. Unfortunately, we found the communications plan in Appendix F-2 woefully lacking in detail and hope that that can be amended in the final plan. A few suggestions;

- While the MOU in Appendix B-4 clearly states that the Advisory Committee will provide input on plan implementation, the plan itself states that the terms of those committee members extends only through plan development and completion[3]. Can you please clarify the permanent nature of the AC in the final plan?
- What are the goals, strategies and tactics for stakeholder outreach and communications?
- At a minimum, a key goal of the plan should be to educate residents and beneficial users about the need to raise funds for plan implementation.

O8-3

Table 5-2 identifies an annual budget (in 2020 dollars) of $6,000 for outreach What activities will be funded with this budget? Is it sufficient to accomplish your objectives?

[2] Water Code 10727.8 "The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan."

[3] Draft Plan, Page 1-4

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Drinking Water

As we reviewed the information in the report, we were unable to identify clearly which wells were potentially compromised due to water quality issues or the lowering of the groundwater table. Specifically, which domestic wells will potentially be impacted by increasing groundwater contamination and lowering groundwater levels? How does the plan identify those impacts and when and how would mitigation efforts be triggered? Also, the plan seems to confuse mitigation with additional plan actions. Our interpretation is that mitigation requires the impacted party to be directly assisted. O8-4

We also recommend that the plan reference the Irrigated Lands Regulatory Program[4] While it has not yet been implemented in Borrego Valley, the State Board in 2018 adopted final amendments to the East San Joaquin River Program, with some parts of that revised order identified as precedential. Specifically, the State Board required that all domestic wells located on land covered by the Program be tested for nitrates and that all agricultural operations should develop and implement irrigation and nutrient management plans to limit their discharge of nitrates to groundwater. O8-5

Projects and Management Actions

We appreciate the breadth of actions being considered, but have some questions. First, how are these actions being prioritized? If the plan is to reach the Sustainability Goal by 2040 in a linear fashion, do all of these measures need to be implemented simultaneously? Can they be prioritized according to cost and perhaps public receptiveness? O8-6

Water trading is an action being considered in basins around the state, but to date, only Ventura County has implemented a market and it is still in pilot form. Yet this plan states definitively that this is something that it definitely will do. Is the timeline for implementing this plan too ambitious O8-7

We appreciate that the Water Conservation action provides explicit savings. In the final plan, it would be helpful to quantify expected conservation for each identified measures, along with costs for each. All conservation is not alike and it may be more appropriate to implement some measures over time. O8-8

We agree with the metering requirement for the pumping reduction program and look forward to proposals to ensure that any program to track metered water use is effectively enforced. O8-9

[4] https://www.waterboards.ca.gov/water_issues/programs/agriculture/

We agree that some agricultural fallowing will be necessary to meet the 2040 Sustainability Goal and measurable objectives. We hope that this effort will be informed by an analysis of the impact of fallowing on farm workers and how that impact might be mitigated.

O8-9 Cont

Can you clarify the intent of the Water Quality Optimization Program? It seems as though this is looking at expensive options for treatment or intrabasin transfers in response to water quality degradation Instead, could you consider accelerating other efforts, such as pumping reduction? For instance, if your monitoring plan indicates that the middle and lower aquifers in the Northern Management do contain significant levels of arsenic, you may want to accelerate efforts to reach the sustainability goal in that area and protect the upper aquifer. For nitrate, working with the board to implement the Irrigated Lands Regulatory Program could help reduce excess nitrate being discharged to the vadose zone? In short a cost comparison looking at source protection efforts rather than the mitigation efforts in this program seems like an appropriate action.

O8-10

Thank you for allowing us the opportunity to comment. Please feel free to contact me if you have any questions

Sincerely,

Jennifer Clary
Water Program Manager

4

DRAFT Summary Memorandum

Independent Review of the Borrego Valley GSP

Gaps and Opportunities

Presented by

Local Government Commission

to

Borrego Valley Endowment Fund
&
Borrego Valley Stewardship Council
&
Borrego Water District

Friday, May 17, 2019

I. IMPETUS FOR REVIEW

The Borrego Valley Endowment Fund (BVEF) retained the services of Local Government Commission (LGC), on behalf of the Borrego Valley Stewardship Council (BVSC), to conduct an independent review of the draft Groundwater Sustainability Plan (GSP) for the Borrego Valley Groundwater Basin, as released by the Borrego Valley Groundwater Sustainability Agency (BV GSA) on March 21, 2019.

According to Task I of the BVEF/LGC Contract, "LGC will review GSP documents produced to date, past meeting agendas and notes; and interview advisory committee members and other relevant stakeholders. LGC's review of the existing GSP development process will identify both gaps in the current status and opportunities to enhance the GSP so as to help BWD ensure regulatory compliance while also enhancing the positive impact of the GSP for the entire Borrego Springs community. LGC will produce a summary findings memo outlining identified gaps and opportunities, with special attention to the needs of severely disadvantaged community members and the long-term vision for Borrego Springs."

LGC entered into contract with BVEF on May 7, 2019. As such, LGC had 8 business days to review the draft GSP for gaps and opportunities, with the goal of informing the Borrego Valley Stewardship Council and other interested parties for their own public comment to the GSA. To maximize use of available time, LGC determined to focus our review of the draft GSP on the two most important sections: Chapter 2, Plan Area & Basin Setting; and Chapter 3, Sustainable Management Criteria.

O8-11

This document, submitted to BVEF on Friday May 17, 2019, represents the Draft Deliverable, "Summary Memo of Gap Analysis and Recommendations." The Final Deliverable will be submitted at a later date, no later than 60 days following submittal of the Borrego Valley GSP to the California Department of Water Resources or by December 31, 2019, whichever occurs first. LGC has used 40 of the estimated 80 hours personnel time to complete this task. LGC will use any remaining funds allocated to this task for completion of the Final Summary Memo.

II. CONTEXT OF REVIEW

LGC has coordinated closely with members of the Borrego Valley Stewardship Council, Borrego Springs Community Sponsor Group, Borrego Valley GSA Advisory Committee and other interested parties in its review of the Draft GSP. The goal of our review is to support long-term goals of aligning the Final Borrego Subbasin GSP with the existing BVSC Geotourism Charter and integrated watershed master plan to be developed at a later date, with specific attention to ensuring robust and meaningful representation of

historically underrepresented Borrego community members whom potentially face disadvantages (i.e., "disadvantaged communities" and "severely disadvantaged communities" under SGMA).

The BVSC Geotourism Charter aims to promote, sustain and enhance the geographical character of Borrego Springs—its environment, culture, aesthetics, heritage, and the well-being of its residents and visitors. The following principles of the BVSC Charter aligned with the goals of the Sustainable Groundwater Management Act:

- Principle VI. Community Involvement
- Principle VIII. Protection and enhancement of destination appeal
- Principle IX. Land Use
- Principle X. Conservation of Resources
- Principle XI. Planning

The key concepts of the future integrated watershed master plan, as outlined in the April BVSC Workshop, include: [6 break-out groups]

- Planning within a Water Budget / Integrated Planning Framework
- Sustainable Distanation Management / Hospitality
- Sustainable Community Development Needs Assessment
- Cultural Landscape Survey
- Economic Innovation & Transition Zones
- GSP / CEQA Compliance & Community Plan Integration

O8-11 Cont.

In the context of these key principles, LGC reviewed the Draft Borrego Subbasin GSP on the following topics:

- Stakeholder Engagement
- Disadvantaged Communities
- Drinking Water Safety
- Climate Change
- Groundwater Dependent Ecosystems
- Land Use / Groundwater Recharge

A summary of our review on each of these topics is provided in the following section. Attached to this document are excel file evaluation tools with detailed analysis of the GSP for each topic.

III. SUMMARY FINDINGS OF GAPS AND OPPORTUNITIES

The Borrego Valley GSA is the first real form of collaborative local governance for the Borrego Springs community, which provides a significant opportunity for Borrego Springs to achieve its vision for a sustainable future. SGMA provides ample flexibility

for the GSP to include broad goals that will support land use and economic development shifts necessary to achieve this vision (without overstepping jurisdictional authority of San Diego County. Local Government Commission strongly urges the BVGSA and its stakeholders to use this opportunity to the greatest extent possible – to establish necessary land use, water management, and community governance policies that will accelerate achievement of a sustainable Borrego Springs.

IV. RECOMMENDATIONS TO THE BVSC & OTHER INTERESTED PARTIES

- LGC strongly encourages the Borrego Valley Stewardship Council, its members, and all other interested parties to submit public comment letters to the Borrego Subbasin GSA. This can easily be done using this document and the attached excel spreadsheets. LGC recommends the following protocol for creating comment letters:
  - Select between 1 and 3 key issues of most interest to each BVSC member / constituent group.
  - Structure your letter as follows:
    i. Your constituency & interest in the GSP
    ii. Commendations to the GSA for their hard work & dedication
    iii. Recognition of the overarching goals of SGMA, as they relate to your topic of interest/concern
    iv. Then, for each interest/concern
      1. [Code/Regulation citation] requires that [quoted text]...
      2. [section-/ page-number of GSP] addresses / fulfills this requirement by...
      3. GSP fails to meet the requirement because...
      4. I/We urge the GSA to remedy this shortcoming / address this concern by... [recommendation; inverse of the concern]
    v. Thank you for your consideration; please do not hesitate to contact me/us to further discuss our concerns/recommendations.
  - Populate the content of your letter by:
    - Copying summary language for each of your topics of concern from this memo
    - Pull the specific code or regulation reference (citation) and text (quoted) from the attached excel spreadsheets.
  - Letters should be submitted via email (preferred) or postal mail in accordance with the draft GSP public comment guidelines.
    - *Note*: more letters citing the same concerns and recommendations, sent from multiple individuals and/or organizations will have a greater impact than fewer letters with multiple parties "signing on"

O8-11 Cont.

to a single letter. However, following both models will be the most impactful.

- LGC strongly encourages BVSC, its members, and all other interested parties to request that the GSA include all work products and reports developed to date by ENSI, LeSar, Dudek, or other consultants should be included in the body of the GSP and considered for adoption, and not included solely as an attachment, appendix, addendum or support document to the GSP.
- LGC strongly encourages Borrego Valley Stewardship Council, its members, and all other interested parties to attend all upcoming public meetings regarding the GSP, and voice their concerns regarding these gaps in the current draft, as well as their recommendations, especially with regard to:
  - Proportional reductions across all sectors;
    - LGC strongly recommends no water use reductions for the municipal sector. Proportional reductions are completely inappropriate and unnecessary based on current and historic pumping levels. Municipal users account for a fraction of that pumped by agriculture, and half what is pumped by golf. Neither of these industries are sustainable in the valley at high percentages. The Community needs to transition to lower water-use industries that will support the long-term economic sustainability of the region.
  - Accelerated Pumping Reductions
    - LGC recommends front-loading water use reductions in order to preserve more water in the subbasin and safeguard against potential drought and unforeseen impacts. Using a fixed percentage of the Baseline Pumping Allocations to calculate yearly reductions, rather than a fixed volume of water, will preserve as much groundwater as reducing the cut-back period from 20 years to 15 years under the current methodology.
  - Groundwater Dependent Ecosystems
    - LGC strongly encourages the GSA to reconsider its evaluation of groundwater dependent ecosystems. Existing data and anecdotal evidence illustrates that groundwater dependent ecosystems within the subbasin, especially within the Anza Borrego Desert State Park, continue to experience undesirable results. The current draft GSP does not acknowledge these impacts, as the analysis referred to uses the false assumption that groundwater dependent ecosystems were irreparably harmed prior to the January 2015 baseline.
  - Stakeholder engagement, communication, and disadvantaged community considerations

O8-11
Cont.

- LGC finds the current Draft GSP's treatment of stakeholder engagement and DAC considerations to be woefully inadequate. We strongly urge the GSA to significantly enchance their stakeholder engagement efforts, especially to disadvantaged communities, and document this engagement within the GSP.
- Land use changes and groundwater recharge potential.
  - LGC encourages the GSA to more adequately evaluate land use changes and groundwater recharge potential as a project and management action for the sustainability goal. Land use zoning and decisions have a tremendous impact on groundwater quality and recharge potential. The GSA should work closely with the Community Sponsor Group and the County to update all land use planning documents to maximize recharge potential while also maximizing opportunity for economic development in Borrego Springs.
- LGC strongly encourages the Borrego Valley Stewardship Council, its members, and all other interested parties to organize in-person meetings with the GSA Advisory Committee to discuss these concerns and recommendations in detail.
- Draft Comment Letter

O8-11 Cont.

V. DETAILED REVIEW OF THE GSP BY CHAPTER

[redacted] Chapter 1: Introduction

[redacted] 1.2 Sustainability Goal

The Sustainability Goal should be based on climate change impacts and future conditions, and should acknowledge that maximizing groundwater recharge will be a necessary component of achieving sustainability. The current draft GSP makes no reference to climate change impacts on achieving the sustainability goal; nor does it reference soil conditions, recharge rates, or land use change impacts on achieving that sustainability goal. In fact, the sustainability goal as stated in the draft GSP is not a goal at all – but simply a restatement of the intent of SGMA. It is extremely vague and not quantified in this section. This is completely inadequate and must be resolved.

O8-12

[redacted] 1.3 1 Organization and Management Structure

The GSA should include personnel with a focus on climate change effects on groundwater conditions and recharge rates. There is no clear identification that any of the staff on the GSA "Core Team" or Advisory Committee (AC) have background or expertise in either soil science or considering the impacts of land use on groundwater conditions. However, the organizational structure does include broad representation

from relevant sectors. Personnel from the state park may be equipped to address climate change, but this is unclear. Similarly, the BVSC representative should uphold climate change concerns, but it is unclear whether they have the necessary expertise. The GSA should seek to ensure the Core Team and AC is populated with adequate expertise on both climate science, soil science, and hydrology. The GSP should be updated to include a thorough description of the requisite background of Core Team and AC members.

1.3.3 Implementation Costs

Estimated costs to implement the GSP, and the GSA's approach to meeting those costs should include costs related to climate change impacts and adaptation, as well as costs to implement groundwater recharge. The current draft GSP includes no reference to soil conditions, recharge, or land use impacts or changing conditions as a result of climate change, and how these changing conditions could affect GSP implementation costs. The GSP implementation cost estimate does include a 10% contingency, but this is drastically insufficient, given the lack of detail in the current projects and management actions and implementation budget. The GSP implementation cost estimates need to be re-evaluated in conjunction with more detail being provided to the projects and management actions.

Further, a thorough analysis of projected costs, and how the GSA will raise those funds, needs to be conducted to determine the potential impacts to vulnerable communities, and how to mitigate those impacts.

O8-12 Cont.

Chapter 2, Plan Area & Basin Setting

Plan Area

a) 2.1.1 Summary of Jurisdictional Areas and Other Features

Disadvantaged Communities

This section should include specific reference to disadvantaged communities. The current draft includes no specific reference to where most vulnerable community members (e.g., specific neighborhoods or population groups) within the subbasin are located.

This section should include locations and extent of communities dependent upon groundwater and noting where community wells are located near higher production wells, such as irrigation wells, that could potentially impact domestic well users' groundwater supply or quality. The current draft includes a map with density of wells per square mile, but does not include a map of the 52 "de minimis extractors," such as the 49 domestic wells in the subbasin and small water systems. Despite the requirement of SGMA not extending to de minimis users, the Borrego Subbasin GSP *should* include

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these users, because the overall water budget for the entire basin is relatively small, thus "de minimis" users actually make up a recognizable percentage of total extractors.

This section should represent various portions of the basin dependent upon groundwater for beneficial uses, including communities dependent upon groundwater for domestic uses. While the draft plan does map existing land use designations and zoning, it does not include specific data by land use on groundwater dependent users; all of the Borrego community and all users are groundwater dependent. This should be explicitly stated and mapped.

b) 2.1.2 Water Resources Monitoring and Management Programs

Monitoring & Regulatory Alignment

This section should note where monitoring programs are located and where there may be gaps in monitoring. Components of the monitoring plan should include: 1) if stakeholders have requested additional monitoring; 2) either when additional monitoring will be implemented or why the request will not be approved at this time; and 3) water-relevant climate, land use and recharge variables (such as land use, soil conditions, precipitation, temperature, and evapotranspiration).

The current draft GSP highlights BWD's existing tiered rate structure, but does not indicate how this relates to water affordability for lower income groups. The draft provides a clear description of plan area geographic bounds, contributing watersheds, and land use designations with size and percent land cover. However, monitoring only lists the groundwater elevation monitoring wells included in CASGEM. No reference is made to soil conditions, precipitation, temperature, or evapotranspiration. Demand Offset Mitigation Water Credits Policy is the only management program in the section that adequately describes how this will impact or aligns with the GSP. All other programs included should follow this model, and this level of detail. These components need to be incorporated into the monitoring plan.

O8-12 Cont.

The current draft GSP references that the County Groundwater Ordinance will need to be evaluated and possibly revised to ensure consistency with GSP sustainability goals, but provides no guidance on what that would look like. There is also no information on metrics measured, past impacts, or anticipated future impacts.

The current draft GSP does a sufficient job explaining the impact of wells to the GSP, but still includes no metrics and no real information on how this information will be incorporated into the GSP.

This section raises a number of questions:

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- How does BWD's Conservation Management Program (including tiered rates) determine water affordability for low-income communities?
- How does the Draft GSP integrate with the 2009 Anza-Borrego Desert IRWM Plan?
- How will the GSP integrate into the Region 7 Water Quality Control Plan for the Colorado River Basin?
- Why is there a discrepancy between BWD and the County's Water Credits Policy? As such, which water credits will be validated under the GSP's Baseline Pumping allocations?
- How many wells have been applied for vs. approved since passage of SB 252 and release of this plan?
- How will domestic wells and small water systems be protected from negative impacts of the baseline pumping allocation?

Each of these questions must be answered favorably for this section to adequately fulfil the requirements of the regulation.

The current draft of this section only describes the applicable laws and regulations present in the basin; it needs to be augmented to describe how monitoring of each of those programs will be incorporated into the GSP, how those existing programs will limit operational flexibility, and how the GSA will adapt to those limits.

O8-12 Cont.

c) 2 1.3 Land Use Elements of Topic Categories of Applicable General Plans

This section of the plan should identify:

- disadvantaged and severely disadvantaged unincorporated communities;
- where water agency consolidations or service extensions are being considered;
- potential sources of contamination from current land use practices;
- expected land use changes due to climate change impacts or development and socio-economic conditions, that may affect water supply and water demands, as well as groundwater recharge rates;
- projected water demand as a result of climate change or population growth, and its impact on achieving the sustainability goal; and
- how climate, land use and soil conditions impact groundwater recharge, and the affect this may have on water supply and demands how the GSP addresses those effects.

This current draft of this section does a very good job of identifying all the policies that are relevant and in alignment with the GSP, but need to greater specificity on how the GSP will uphold or implement these various policies.

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According to the San Diego County Groundwater Ordinance: "One of the purposes of the ordinance is to ensure that development is not approved in groundwater dependent areas of the County unless a project applicant can demonstrate that there are adequate supplies available to serve both existing and proposed uses." The existing Community Plan and General Plan land use policies are listed in the draft GSP, but the degree of integration is included only as a yes/no factor. This raises the questions,

1) How will the GSP affect the pre-existing San Diego County Groundwater Ordinance? and

2) How will this impact pumping allocations?

These questions should be answered in this section of the GSP, as well as providing detail on how the integration requirement is met, and identifying in which section of both the GSP and the General Plan (GP)/ Community Plan (CP) this is discussed.

This section also fails to answer the following questions, necessary for meeting the regulatory requirements:

- Do current well permitting practices protect vulnerable water supply sources, such as shallow wells (for all beneficial uses)?
- Are there documented instances of stakeholder concerns regarding current land use or well ordinances impacting other beneficial uses?
- Which current ordinances need to be amended in order for the basin to meet its sustainability goals?
- Are the policies considered to implement the GSP actual policies that are currently in existence, or policies that would need to be established?

Each of these questions must be sufficiently answered for this section to adequately fulfil the requirements of the regulation.

O8-12 Cont.

Recharge

The San Diego County General Plan (GP) and Borrego Valley Community Plan (CP) include positive policies to protect the basin from continued overdraft and to minimize the impact of stormwater runoff (e g., Goal LU-8; COS-5.2), yet include no mention what so ever of recharge. The current draft GSP should be augmented to include this information, and future GP / CP updates should do the same.

The current draft GSP includes positive language regarding future GP and CP needing to consider the sustainability goals of the GSP. The draft language also does an excellent job acknowledging the misalignment between agricultural preservation goals in the General Plan and groundwater sustainability in the Borrego subbasin. However, additional detail needs to be provided on how that consideration and GP / CP updates will occur, as well as how the agricultural preservation and groundwater sustainability goals will be reconciled.

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It is unclear whether GP Conservation and Open Space Element, Goal COS-4: Water Management, and/or COS-4.3 - "Maximize stormwater filtration and/or infiltration" will promote groundwater recharge, or if it only refers to stormwater mitigation where groundwater is not shallow. This policy should be clarified, and potentially reevaluated to maximize groundwater recharge potential.

The discussion in this section of estimated buildout and impacts on the GSP is inconsistent. The draft GSP states that Borrego could not meet the water needs if all allowable lots were built out, yet also states that implementation of existing land use will not affect sustainable management. The draft does, however, acknowledge that updated buildout estimates should be considered in conjunction with the GSP.

Climate

The GP includes a "climate change and land use" goal (LU-5) (e.g., "sustainability"), but there is absolutely no discussion of potential climate change impacts on development patterns in the plan area. This section of the GSP needs to address this gap in existing policy by identifying potential impacts of increasing drought and evapotranspiration rates potentially making agriculture unsuitable for the subbasin, and therefor potentially causing major change in land use patterns. Further, current policy nor the draft GSP includes no discussion what so ever of climate change impacts to water supply and demand, or how the GSP will address those affects.

O8-12 Cont

d) 2.1.4 Beneficial Uses and Users

This section of the plan should include a description of the beneficial uses and users of groundwater in the basin, including potential climate impacts to beneficial uses and users, 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. This section should also identify whether groundwater recharge is a designated beneficial use in the appropriate Basin Plan (per Regional Water Quality Control Board), and discuss potential locations for groundwater recharge.

The current draft GSP states that the "beneficial uses" evaluated in this GSP are not strictly synonymous with those analyzed in the Basin Plan. It is of no benefit to the GSA or the community for the GSP "beneficial uses" to be different from the Basin Plan "Beneficial uses;" these should be consistent.

Groundwater recharge nor habitat preservation / restoration are currently not included as beneficial uses in the GSP, even though they are included in the Colorado River Basin Plan. Is this because there is no active recharge currently exists in the subbasin?

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The GSA should: a) consider including groundwater recharge and habitat preservation/restoration (especially in the washes/creeks & the Anza Borrego Desert State Park) as a beneficial use in the GSP, and b) seek modification at the Regional Water Board to the existing Beneficial Use Designations to ensure consistency between the Basin Plan and the GSP.

The current draft GSP lists de minimus users as a beneficial user in this section, but then includes them with municipal users in the water budget. This is misleading and affects proper analysis. This section should be augmented to include a narrative description of issues affecting the supply and beneficial uses of groundwater. Additionally, the GSP should distinguish between domestic well owners and small water systems independent of the municipal water supply in the water budget.

e) 2 1.5 Notice and Communication

The notice and communication section is required to include the following:

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

Essentially, this section does not include a ture communication strategy. Rather, this section merely describes how the GSA communicated with the public (essentially just fulfilling minimum brown act requirements).; no real communication strategy, just explaining how they met brown act violation; no explanation of decision-making, just how they engaged with the AC.

This section should also describe how climate change and related uncertainties, available adaptation strategies, groundwater recharge potential and available optimization strategies (including potential land use changes) are integrated into the GSA's communication strategy. The current draft GSP includes absolutely no mention of climate impacts, nor is there any mention of groundwater recharge opportunities.

The current draft GSP states that there is currently no program to actively replenish the aquifer, and that aquifer storage and recovery are not being considered as an option at this time because using imported water to recharge the basin was determined to be

O8-12
Cont.

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economically infeasible. However, the GSP should consider other forms of managed aquifer recharge, such as stormwater capture and agricultural runoff management.

The communication section should adequately outline the types of outreach performed throughout the GSP process and how outreach will continue moving forward. The current draft GSP includes little mention of how diverse groups were engaged; nor does it include future plans to share progress with these groups. Disadvantaged Communities ("DAC") and Severely Disadvantaged Communities ("SDAC") are not mentioned even once in the Stakeholder Engagement Plan, despite the entire Borrego Subbasin being designated a SDAC.

GSP meetings should always be held at times and places that enable all stakeholders to participate in at least some of the meetings. All Borrego Subbasin GSA Advisory Committee Meetings were held during work hours, thus precluding many community members from attending.

Meetings, outreach, and education materials should always be translated into appropriate languages spoken in the community. Meetings should provide services such as meals and/or childcare to enable working families to attend. While the current draft GSP does refer to translated materials, these materials are not included in the stakeholder engagement plan, nor are translation services in general mentioned in the stakeholder engagement plan.

Public comment should be taken during all meetings, and written comments should be accepted throughout the process. The current Draft GSP references targeted "SDAC engagement" via a Proposition 1 Stakeholder Engagement grant. Yet, outcomes from that engagement is not included in the draft GSP. This lack of information raises the following questions:

- What was the feedback from outreach to "Domestic water users" and "Disadvantaged and Severely Disadvantaged Communities?"
- How are these interests represented in the sustainability goals?
- How will they be included moving forward?

A list of all meetings, including times and locations, should be included in the communication section of the GSP. A sufficient number of meetings should be held to ensure stakeholders have adequate opportunities to learn about the GSP creation process and provide public comment. One public meeting, "Ad Hoc Committee on Severely Disadvantaged Community (SDAC) Involvement," occurred on 4/27/2018. Yet attendance is listed as "unknown." Meeting minutes and meeting agenda for this convening are not listed on the website. The two most public meetings ("Community Meetings" on 3/16/18 and 9/19/18) also lack meeting minutes and agendas on the GSA

O8-12
Cont.

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website, despite the GSP referencing that these materials are on the website. for either of the 2 most public meetings.

The Notice and Communication section, as well as the Stakeholder Engagement Plan for the draft GSP is woefully lacking. This raises the following concerns: has there been adequate stakeholder surveying and mapping? How were stakeholders informed of the process? How are the interests of small businesses, the tourism industry, and residents represented in the GSP? What were the key messages shared?

To remedy these shortcomings, the GSA should:

- Provide responses to the questions above in the Notice and Communications section of the GSP;
- Identify the outreach plan moving forward through GSP implementation, especially in development and implementation of Projects and Management Actions;
- Describe how public comments and feedback are incorporated into the GSP;
- Provide more opportunities for public input (e.g., more Community Meetings with agendas and minutes posted online) with special effort to ensure these meetings are accommodating of all community members;
- Determine how the stakeholder engagement plan will be evaluated and adapted moving forward, and share that methodology with all stakeholders.

O8-12 Cont.

The Borrego Subbasin GSA must augment its stakeholder engagement plan and communication section of the GSP to incorporate the following changes:

- Post meeting minutes and agendas from all community meetings;
- Identify specifically which/where vulnerable community groups are;
- Explain how vulnerable communities have been (and should be) engaged;
- Describe the major concerns of community members as identified by community members;
- Establish a process for incorporating public input into GSP revisions;
- Determine how the Stakeholder Engagement Plan will be evaluated and regularly updated.

2.1.6 Additional GSP Elements

According to CWC Section 10727.4, the GSP must describe the "processes to review land use plans and efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity." While the current draft GSP does indeed list the relevant land use planning documents, there is no description of the process followed, or that will continue to be used, for reviewing and coordinating

with other land use planning activities This section of the GSP must be augmented to fully meet the regulatory requirement.

This section of the GSP should describe how soil conditions and land use may further impact groundwater dependent ecosystems and how to mitigate such impacts. It should also consider an increase on water storage losses due to higher climate change temperatures. The current draft GSP includes no mention what so ever of potential impacts to groundwater dependent ecosystems, nor of water storage loss from higher temperatures; it merely mentions loss of storage in the context of potential intra-basin transfers. The GSP should be augmented to address these inadequacies.

Basin Setting

a) 2 2 1 Hydrological Conceptual Model

Drinking Water

The Hydrological Conceptual Model (HCM) should specify which aquifers are the main source of water for drinking water purposes, as well as for DACs, households relying on private wells, small community water systems, and school districts. The current draft GSP identifies the upper aquifer as the main source of water in the subbasin historically. Yet, this section does not explicitly state whether it is also the shallow aquifer that serves as the main source of water for DACs, households relying on private wells, small community water systems, and school districts. This must be rectified by including more information on the upper aquifer as it pertains to community drinking water.

O8-12 Cont.

For aquifers of interest for drinking water wells, the HCM should specify the overall water bearing characteristics of the aquifer (e.g., overall water quality, overall water production capacity, vertical and lateral extent, hydraulic conductivity, and storativity)

The HCM should specify how much recharge can be accomplished in different hydrogeologic environments/aquifers, and particularly provide a brief description of potential benefits and concerns of the potential recharge areas.

The HCM should be attentive to information provided for shallow aquifers and water quality concerns.

b) 2 2 2 Current and Historic Groundwater Conditions

Groundwater Elevation

The HCM should clearly state specific groundwater levels in relation to various land uses. In particular, the HCM should note where first-encountered groundwater is relatively deep; where groundwater users reliant upon shallower wells; and where users

may not have the resources to drill new, deeper wells. Special notice should be given to drinking water uses. The current draft GSP provides no information regarding dewatering of wells, rehabilitation costs, rehabilitation data, or any other information about the impacts to DACs. The GSP should, but does not currently include a map identifying the locations of all drinking water systems, DACs, and areas of critical lowering of GW levels. The GSP should use monitoring wells screened for a specific aquifer, not combining aquifers, so as to indicate whether, and if so where, dewatering of wells is occurring.

Groundwater Quality

This section of the plan should include a map of known groundwater conditions, including sensitive uses and users of groundwater that may be impacted or threatened to be impacted.

According to the GSP, "The lateral distribution of the wells in the monitoring network that measure groundwater quality is limited, and does not extend to the outer portions of each management area." The GSP also notes that "high salinity, poor-quality connate water is thought to occur in deeper formational materials in select areas of the aquifer as well as shallow groundwater in the vicinity of the Borrego Sink in the southern portion of the Plan Area." The GSA needs more monitoring data for "di minimus" domestic well users and small water systems, especially regarding the potential impacts to disadvantaged community members and cost projections for remediation. The GSP should also indicate which wells are being considered to be taken out of production or drilled deeper to mitigate water quality concerns. Increasing contamination trends are noted in the GSP, but there is little discussion of how these issues will be addressed under the sustainability goal and management actions.

O8-12
Cont.

Drinking Water

This section should also include information regarding contamination of wells, treatment costs, water quality data, or any other information regarding the impacts to disadvantaged communities. This should also include a map noting the locations of all drinking water systems, DACs, and areas of critical water quality contamination. The current draft of the GSP does not include this information. However, meeting minutes posted on the GSA website note that community members are concerned about elevated nitrate levels in some drinking water wells. This is referenced in the GSP, but not adequately.

c) 2 2 3 Water Budget Information

The water budget should include historical use of groundwater for all types of uses and users, in particular the uses of small drinking water systems, regardless of whether they will be subject to pumping restrictions. Future use for drinking water needs must utilize

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data from sources such as county general plans and LAFCo documents (e g., population projections and water demand forecasts).

The historic groundwater use percentages in the Borrego Subbasin (i.e., 70% agriculture, 20% golf course, 10% municipal) is not sustainable. This section should include a description of how historical conditions have impacted the ability of BWD and the County of San Diego to manage the basin within sustainable yield. Further, including domestic/di minimus users with the overall municipal users water budget and municipal pumping reductions is both inappropriate and inaccurate. These uses must be separated and accounted for independently in the water budget.

Data used to develop the water budget is out dated and inaccurately represents the groundwater conditions in the subbasin. The GSP must use the most recent data, and exclude data sets producing a biased result. For example, the hydrological modeling projections currently used in the draft GSP include time periods extending far back in time, prior to when pumping began, and do not take into account shifts in the hydrologic regime which have occurred as a result of climate change. The water budget currently does not (and must) consider projected recharge reductions due to land fallowing and water conservation.

These inadequacies must be addressed in order for the water budget to accurately represent present groundwater conditions and support the sustainability goal.

O8-12 Cont.

d) 2 2.4 Management Areas

The purpose of this section is to ensure that management areas are designed in a way to protect, rather than harm, particular uses and users of groundwater. Management areas should be designed to set stricter requirements near vulnerable drinking water sources. The current draft GSP provides no indication of where potentially vulnerable drinking water source are within the management areas. The GSP should include a map identifying the location of all drinking water systems, DACs, and areas of particular threat from lowering of groundwater levels.

[redacted]Chapter 3: Sustainable Management Criteria

a) 3 1 Sustainability Goal

According to 23 CCR § 354.24, the GSP must include a sustainability goal using information from the basin setting to establish measures that will ensure sustainable yield, and describe a realistic path to achieving the goal over a 20-year period. The sustainability goal should also consider all beneficial uses and users susceptible to harm from changing groundwater conditions over the 20-year time frame.

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The GSP's primary sustainability goal, and five sub-goals, are brief and overly broad. As previously stated, utilizing the BVHM modeling from 1945-2010 that cites groundwater conditions from a time period before major agricultural development began, does not accurately reflect the current hydrogeological make-up of the basis, nor does it consider future impacts from climate change. The GSP should use the most recent data and hydrogeologic modeling that includes potential impacts from climate change, and exclude data sets producing a biased result.

Of the five sub-goals, only two of them explicitly consider domestic well owners (chronic lowering of groundwater levels and water quality concerns), however, the goals aren't tied back to the basin setting, nor do they identify specific vulnerable areas or how these goals impacts the sustainable yield.

It is unclear whether the sustainability goal intends is to address pre-SGMA impacts, or maintain current conditions.

The sustainability goal explains how land use and groundwater recharge was considered towards achieving the sustainability goal within 20 years of Plan implementation

local determination of the sustainable management criteria (sustainability goal, undesirable results, minimum thresholds, and measurable objectives).

O8-12 Cont.

a) 3 2 Undesirable Results

The GSP only considers 3 of the 6 possible sustainability indicators: Only considering 3 of the 6 possible sustainability indicators:
1. Chronic Lowering of Groundwater Levels
2. Reduction of Groundwater Storage
3. Degraded Water Quality Makes sense to not consider seawater intrusion, but land subsidence & connected surface waters should be included!

<u>Chronic Lowering of Groundwater Levels</u>
The GSP accurately identifies di minimus users as one of the groups most vulnerable to lowering groundwater levels, and cites the technical, financial and geographic constraints these users face when compared to better resourced pumpers like BWD or larger agricultural users. While this is notable, it is unclear how outreach was conducted to help better understand the negative impacts different stakeholders are experiencing due to declining groundwater levels. Some alternative means of obtaining water for de-minimis and domestic pumpers who can no longer pump are mentioned in the plan, however these alternatives lack further discussion in the minimum thresholds, measurable objectives, or projects and management actions.

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It's noted that the some di minimus wells may currently lack access to adequate water, and may be close to the BWD water distribution system, however the project management actions fail to discuss how consolidation is being considered for these di minimus users. The GSP includes figures (i.e. Figure 3.2-4) with average domestic well depths, however this map should include specific well data to better identify the most vulnerable areas.

The GSP also reports, "The exact number of agricultural and domestic wells that have been abandoned and re-drilled deeper and/or relocated due to production rate loss from declining groundwater levels is not known. However, anecdotal information and field observations have confirmed that inactive wells exist throughout the Plan Area" (Section 3.2.1, Page 3-10). Similar to well consolidation, the GSP fails to address the data gap of abandoned wells, and the steps being taken to follow up on anecdotal concerns.

The GSP fails to consider pre-SGMA impacts to groundwater levels, instead opting to set the highest bar as maintaining current conditions, or levels at a lower than current state.

Minimum Threshold for Chronic Lowering of Groundwater Levels:
The minimum threshold for chronic lowering of groundwater levels is based principally on the documented screen intervals of key municipal water wells and domestic/de-minimis wells located in the basin, however, not all of the de-minimus wells have accurate data to identify where at-risk wells may be located. The GSP should indicate how the GSA's intend to improve well monitoring data for di minimus users as part of the interim milestones

Measurable Objective for Chronic Lowering of Groundwater Levels:
The GSP proposes linear pumping cuts for agricultural, municipal, and recreational users, however there is no description of how different uses and users of groundwater were considered and whether the measurable objectives and interim milestones will help achieve the sustainability goal as it pertains to the most vulnerable uses of groundwater, namely di minimus users and small water systems. It is unclear how the margin of safety protects di minimus users. In addition, the outlined 5-year evaluation of the interim milestones and measurable objectives does not indicate how stakeholders will be engaged throughout these interim evaluations

Lowering of Groundwater Storage
Lowering groundwater levels are intrinsically linked with decreased groundwater storage, however the , and begins to address how the sustainability goals will impact the San Diego County General Plan and Borrego Spring Community Plan.

O8-12 Cont.

Degraded Water Quality
Must include how stakeholders will be engaged throughout these interim evaluations, specifically how to set MT's for growers in the region to meet ag needs.
Increased need for monitoring water quality in domestic wells. Indicate how the GSP will integrate with the RQCB 'Basin Plan' groundwater quality objectives.

Minimum Threshold/Measurable Objectives

The GSP fails to indicate how these will be determined or met.

b) 3 5 Monitoring Network

Data gap in 3.5.4.2 - Well screened in multiple aquifers
- Screen can be slots or other measure that allows water through and keeps solids out
- Water comes from the aquifer into the well
- When you're using a monitoring well that is screened in different aquifers, you're getting a combined result - not really seeing what the impacts on a given aquifer are
- Need to use monitoring wells screened for a specific aquifer, not combining aquifers

Chapter 4: Projects and Management Actions

However it is unclear how the top priority PMA's (land fallowing and pumping reductions) will impact domestic/small water system users

Expected benefits and metrics for evaluation for each PMA do a poor job of mentioning how PMA's will impact groundwater-dependent vulnerable groups

PMA's were not put before stakeholders (see feedback in Section 4.0), therefore stakeholders are not aware of project goals, timelines, benefits, and risks

Prior to adoption, the GSA should hold public meetings to gather input on the PMA's via publicly available meetings (appropriate meeting times, translation and childcare services, etc.).

Notes: According to public meetings posted on the GSA website, there was no 'Community Meeting' held to discuss the projects and management actions - the most recent Advisory Committee meeting (Jan 2019) includes slides on the PMA's and how to provide input, however, minutes from the meeting aren't posted (incorrect minutes are posted from Aug 2018); AND as seen from the previous schedule of Adis Committee meetings, these meetings tend to take place beginning at 10:00 am during workdays

O8-12 Cont.

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- Chapter 5: Plan Implementation

TBD

- Excel Review Templates (attached)
  - Stakeholder Engagement & DACs
  - Climate
  - Recharge

O8-12
Cont

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Letter O8

Commenter: Jennifer Clary, Water Program Manager, Clean Water Action
Date: May 21, 2019

O8-1 The Groundwater Sustainability Agency (GSA) appreciates your comments on the Draft Groundwater Sustainability Plan (GSP) and participation in two referenced meetings.

O8-2 The GSA acknowledges your request to provide additional information in the GSP regarding how successful efforts to reach all classes of beneficial users, where is more effort – or a different approach – needed and specifically interested in your success in reaching domestic well users. We note your questions regarding the success of general public engagement and efforts to Spanish-speaking residents. Additionally, you ask to identify how input received was incorporated and to provide more specifics about how the plan was amended in response to public input. In response, the Borrego Water District (BWD) placed into the administrative record, the SDAC [Severely Disadvantaged Community] Impact/Vulnerability Analysis (Task 2 Report) prepared by Environmental Navigation Services Inc., dated April 15, 2019. The report was prepared to understand the implications that the implementation of Sustainable Groundwater Management Act (SGMA) will have on the SDAC population of Borrego Springs.

O8-3 The GSA acknowledges your comment that the communications plan is woefully lacking in detail and hope that that it can be amended in the final plan. Specifically, you request clarification on the role of the Advisory Committee in the final plan, and what are the goals, strategies and tactics for stakeholder outreach and communications. In addition, the GSA notes that the commenter believes the key goal of the plan should be to educate residents and beneficial users about the need to raise funds for plan implementation. Finally, the commenter asks whether the $6,000 for outreach identified in Table 5-2 is sufficient to accomplish GSA objectives. In response, as stated in the Memorandum of Understanding, the Advisory Committee was formed for Plan Development. The primary purpose of the GSA under SGMA is to develop a GSP to achieve long-term groundwater sustainability. SGMA requires and directs GSAs to involve stakeholders and interested parties in the process to regulate groundwater. The purpose of outreach activities as described in the GSP was to provide individual stakeholders and stakeholder organizations, and other interested parties an opportunity to be involved in the development and evaluation of the GSP. Lastly, the GSP includes

an initial estimate of $6,000 for outreach activities, which will be evaluated during implementation of the GSP.

O8-4 The GSA acknowledges your comment regarding identifying which wells were potentially compromised due to water quality issues or the lowering of the groundwater table. Specifically, which domestic wells will potentially be impacted by increasing groundwater contamination and lowering groundwater levels? How does the plan identify those impacts and when and how would mitigation efforts be triggered? Also, the GSA notes your comment that the plan seems to confuse mitigation with additional plan actions and that your interpretation is that mitigation requires the impacted party to be directly assisted. The Draft GSP specifically discusses in Section 3.2.1 Chronic Lowering of Groundwater Levels – Undesirable Results that "Overall, there are 77 domestic wells in DWR's well completion report database.

As shown Figure 3.2-4, four of the township and range sections have water levels estimated to be below the bottom of the well in the section. Furthermore, the difference between the average well depth and the average groundwater level is less than 50 feet in seven township and range sections, representing 20 domestic wells, which indicates a high likelihood that some may lack access to adequate water in existing wells. With groundwater levels expected to continue to decline early in the GSP implementation period, domestic users are currently experiencing undesirable results, which will be alleviated by 2040.

The majority of the wells in this situation are close to the BWD water distribution system" (Draft GSP page 3-10).

Groundwater level declines would be significant and unreasonable if they are sufficient in magnitude to lower the rate of production of pre-existing groundwater extraction wells below that needed to meet the minimum required to support the overlying beneficial use(s), and that alternative means of obtaining sufficient groundwater resources are not technically or financially feasible. To the extent lowering groundwater levels impact de-minimis pumpers, significant and unreasonable impacts to those pumpers could be avoided.

> For example, alternative means of obtaining water for de-minimis and domestic pumpers who can no longer pump may include connection to the municipal water system (i.e., BWD), groundwater well maintenance or rehabilitation (e.g., well pump lowering), or for some beneficial users, well redevelopment or deepening. However, use of these alternative means of supply, by themselves, do not

> necessarily offset undesirable results for lowering groundwater levels in the context of the Subbasin as a whole (as opposed to individual uses or users), because the ultimate source of supply remains groundwater pumped from the Subbasin, even if from another location (Draft GSP page 3-8).

Table 2.2-6 Management Area Background Water Quality indicates that in water quality in the Subbasin is good and generally meets regulatory standards for intended beneficial use. Available Subbasin-wide data does not suggest that domestic wells will be impaired by increasing groundwater contamination. That said, the GSA recognizes that there has historically been limited sampling of domestic wells in the Subbasin by public agencies. The County of San Diego Department of Environmental Health (DEH) Land and Water Quality Division, requires that all building permit applicants demonstrate that their private water well supply is potable prior to occupancy or change of use.

The DEH reviews the water testing results submitted by the owner or their certified laboratory to verify potable quality for domestic use. However, it remains the responsibility of the private well owner to maintain the ongoing health standards and safety of their water supply. At a minimum, testing for bacteria and nitrates is required by an owner or applicant to verify a potable water supply prior to County issuance of a building or septic system permit. If the water sample results do not meet health standards for drinking water, or if an applicant fails to submit water testing results from a private water well, building occupancy will not be granted by the County (County of San Diego 2019). By proactively monitoring groundwater levels and groundwater quality in the Subbasin, the GSA will be able to ascertain if undesirable results to domestic well owners will potentially result in impairment to beneficial use.

It is noted that private domestic wells require regular maintenance and typically have an average lifespan of 30 to 50 years with pump lifespans of 4 to 10 years. One well failing in the Subbasin does not necessarily indicate an impairment or an undesirable result. Well failure can be the result of several factors including but not limited to age, well casing material and depth, screen and filter pack clogging due to bio-fouling or mineral encrustation and poor well construction. If it is determined that declining groundwater levels or deteriorating water quality is the result of management actions taken by the GSA, then the GSA will evaluate potential impacts and options at that time.

O8-5 The GSA acknowledges your comment that the plan reference the Irrigated Lands Regulatory Program. The Irrigated Lands Regulatory Program is already described in Draft GSP Section 2.1.2 Water Resources Monitoring and Management Programs. We note your comment that East San Joaquin River Program required that all domestic wells be tested for nitrates and that all agricultural operations should develop and implement irrigation and nutrient management plans to limit their discharge of nitrates to groundwater.

O8-6 The GSA appreciates your comment regarding how the Projects and Management Actions will be prioritized if the GSP is to reach the sustainability goal by 2040. First and foremost, Projects and Management Actions that result in a reduction in water demand at the lowest cost may affect prioritization, taking into account the magnitude of required reduction to reach the sustainability goal. Not all of the Projects and Management Actions need to be implemented simultaneously and depending on results of additional study and monitoring, some Projects and Management Actions such as the Water Quality Optimization Program and/or the Intra-Subbasin Water Transfers may not be required to be implemented but have been included in the Draft GSP should future monitoring prove impairment of beneficial water use due to groundwater quality degradation or supply.

O8-7 The Water Trading Program is a proposed Project and Management Action and expected to be implemented; however it is unclear how the commenter concluded that the GSP states that "definitively that this is something that it definitely will do" as this text does not appear anywhere in the Draft GSP. The GSA notes your concern that the timeline for implementing [water trading] is too ambitious.

O8-8 The GSA notes the comment that water conservation action provides explicit savings and that in the Final GSP, it would be helpful to quantify expected conservation for each identified measures, along with costs for each. Detailed development of measures and of costs is part of the Water Conservation Program development and not part of GSP development. Preliminary measures and associated costs are provided in Draft GSP Section 4.3 Projects and Management action No. 2 – Water Conservation.

O8-9 The GSA acknowledges that the commenter agrees with the metering requirement for the pumping reduction program and looks forward to proposals to ensure that any program to track metered water use is effectively enforced. In addition, the GSA notes the commenter agrees that some agricultural fallowing will be necessary to meet the 2040 sustainability goal and measurable objectives. Also, the GSA

acknowledges that the commenter hopes this effort will be informed by an analysis of the impact of fallowing on farm workers and how that impact might be mitigated.

O8-10 The GSA notes your request to clarify the intent of the Water Quality Optimization Program. In brief the Water Quality Optimization Program is a proposed mitigation measure should beneficial water use be harmed by impaired water quality in the future. The GSP emphasizes that available data do not suggest that existing water quality is impairing any beneficial uses. Should future monitoring prove impairment of beneficial water uses due to groundwater quality degradation the GSA would conduct analysis to determine the cause of the impairment and determine feasible mitigation options. This process is described in Section 4.6.1, Water Quality Optimization Program Description, of the Draft GSP.

O8-11 The GSA notes that the Borrego Valley Endowment Fund retained the Local Government Commission on behalf of the Borrego Valley Stewardship Council to conduct independent review of the Draft GSP. The GSA notes the comment to establish necessary land use, water management and community governance policies that will accelerate achievement of a sustainable Borrego Springs. The GSA notes the comment that all work products be included in the body of the GSP and not included solely as attachments or appendices. The GSA notes the comment regarding proportional reductions. The GSA notes the comment regarding accelerated pumping reductions. The GSA notes the assertion that existing data and anecdotal evidence illustrates that groundwater dependent ecosystems (GDEs) within the Subbasin, especially within the Anza-Borrego Desert State Park, continue to experience undesirable results. The GSA points out that your letter provides no data or anecdotal evidence to support this general conclusion regarding GDEs. The GSA acknowledges your comment regarding stakeholder engagement and DAC considerations being inadequate, and your request to strengthen outreach and document engagement in the GSP. The GSA notes your comment regarding land use changes and groundwater recharge potential. Specifically you request evaluation of land use zoning and evaluation of impacts on both water quality and recharge.

O8-12 The commenter is referred to the GSA's response to Letter O12.

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Comment Letter O9

BORREGO VILLAGE ASSOCIATION
BORREGO SPRINGS CALIFORNIA

May 21, 2019

County of San Diego
Planning & Development Services
C/O Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Mr Bennett,

I am writing on behalf of the Borrego Village Association (BVA), a 501(c)(6) non-profit corporation, whose mission is to facilitate sustainable economic development of the Anza-Borrego Desert State Park and the unincorporated village of Borrego Springs Our mission is predicated on the premise that through sustainable economic development we will be able to grow our community sufficiently to be able to sustain healthy schools, a more robust healthcare delivery system, and healthy businesses that support our population

I am grateful to you and the other members of the Core Team who have worked tirelessly on our behalf to create the draft Groundwater Sustainability Plan We understand that while SGMA directly addresses hydrological issues, that it is the intent of SGMA to leave communities such as ours as healthy and economically vibrant In this regard, SGMA and the mission of the Borrego Village Association are well aligned

The purpose of this letter is to articulate our strong opposition to the concept of Proportional Reductions across all sectors of current water users, i e a 70-75% reduction from baseline allotments for Municipal Users as well as Agriculture and Recreation In our view, Proportional Reductions are completely inappropriate and unnecessary based on current and historic pumping levels Municipal Users account for a fraction of the water pumped by Agriculture and a half of what is pumped by Recreation Neither of these industries is sustainable, thus requiring the community to transition to lower water-use industries, e g tourism, that will support the long-term economic sustainability of the region

O9-1

BORREGO VILLAGE ASSOCIATION P O BOX 1133 BORREGO SPRINGS CA 92004

We urge the GSA to remedy this shortcoming of the GSP by requiring no reduction in water allotment to Municipal Users beyond their Baseline Allotment of approximately 1700 acre feet per year Our calculations indicate it would be possible to modestly grow the population of our community if no additional reductions are mandated for Municipal Users in the GSP We believe modest growth of our population will be possible as a result of the economic development model now being implemented by the Borrego Village Association, and that such growth will lead to the healthy, vibrant community envisioned by SMGA.

O9-1 Cont.

Thank you for your consideration Please do not hesitate to contact me if I may provide you with additional information regarding the interface of the activities of the Borrego Village Association and the issue of Proportional Reductions

Sincerely yours,

J David Garmon, M D.
Acting President, BVA

JDG ms

BORREGO VILLAGE ASSOCIATION P.O. BOX 1133 BORREGO SPRINGS, CA 92004

Letter O9

Commenter: J. David Garmon, M.D., Acting President, Borrego Village Association
Date: May 21, 2019

O9-1: The Groundwater Sustainability Agency (GSA) acknowledges the commenter's opposition to proportional reductions and that Borrego Water District (BWD) would not be subject to reductions below 1,700 acre-feet per year.

While the Groundwater Sustainability Plan (GSP) does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

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Comment Letter O10

From: Nancy L. Collins <NCollins@rwglaw.com>
Sent: Tuesday, May 21, 2019 3:04 PM
To: LUEG, GroundWater, PDS
Subject: Letter to County of San Diego
Attachments: Letter to County of San Diego.pdf

Attached please find a letter from James Markman regarding the above-referenced matter. The original is being sent via first-class mail.

Nancy

Nancy L. Collins
Legal Secretary

RWG LAW

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Secretary to James L. Markman, Paula Gutierrez Baeza, Roy Clarke and Isra Shah

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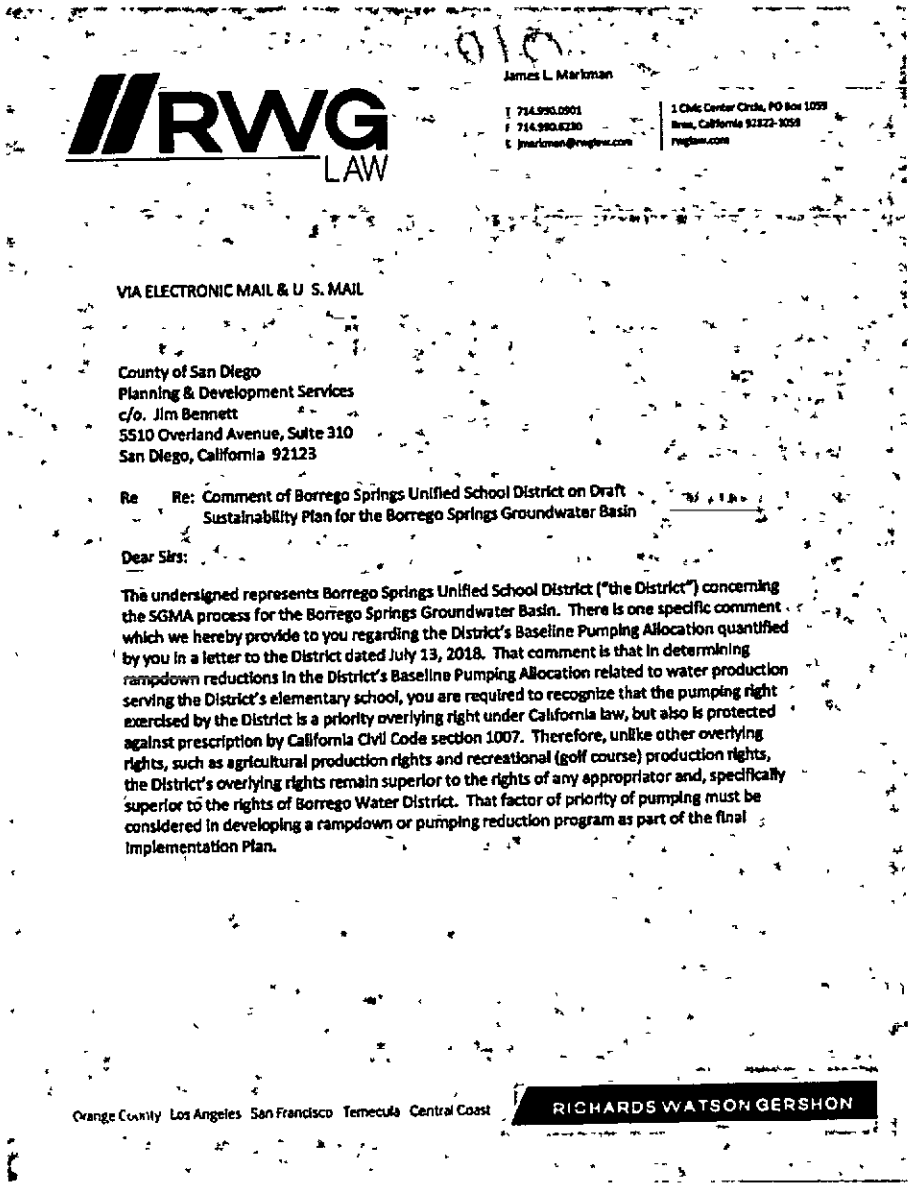

O10

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VIA ELECTRONIC MAIL & U S. MAIL

County of San Diego
Planning & Development Services
c/o. Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, California 92123

Re Re: Comment of Borrego Springs Unified School District on Draft Sustainability Plan for the Borrego Springs Groundwater Basin

Dear Sirs:

The undersigned represents Borrego Springs Unified School District ("the District") concerning the SGMA process for the Borrego Springs Groundwater Basin. There is one specific comment which we hereby provide to you regarding the District's Baseline Pumping Allocation quantified by you in a letter to the District dated July 13, 2018. That comment is that in determining rampdown reductions in the District's Baseline Pumping Allocation related to water production serving the District's elementary school, you are required to recognize that the pumping right exercised by the District is a priority overlying right under California law, but also is protected against prescription by California Civil Code section 1007. Therefore, unlike other overlying rights, such as agricultural production rights and recreational (golf course) production rights, the District's overlying rights remain superior to the rights of any appropriator and, specifically superior to the rights of Borrego Water District. That factor of priority of pumping must be considered in developing a rampdown or pumping reduction program as part of the final Implementation Plan.

O10-1

Please respond or call at your convenience if you would like additional information about the District's input and suggestion stated in this letter.

Very truly yours,

James L. Markman

cc: Mark Stevens, Superintendent
Borrego Springs Unified School District

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RICHARDS WATSON GERSHON

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Letter O10

Commenter: James L. Markman, Borrego Springs Unified School District
Date: May 21, 2019

O10-1: The commenter's claim is that the water rights of the School District are superior to other appropriators, which include the Borrego Water District. The letter further requests that this right be considered when developing a rampdown or reduction program. The comment does not address the adequacy of the Draft GSP and calls for a legal conclusion to which the Groundwater Sustainability Agency (GSA) is not required to respond. Therefore, no further response is required or necessary.

While the Groundwater Sustainability Plan (GSP) does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The comment does not address the adequacy of the Draft GSP and calls for a legal conclusion to which the GSA is not required to respond. Therefore, no further response is required or necessary.

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Comment Letter O11

From: Martha Deichler <mdeichler@bsusd net>
Sent: Tuesday, May 21, 2019 3 27 PM
To: LUEG, GroundWater, PDS
Subject: Borrego Springs GSP

County of San Diego
Planning and Development Services
% Jim Bennett
5510 Overland Ave Suite 310
San Diego, CA 92123

May 17, 2019

Ref. Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Jim Bennett;

I have much respect for the time and process the County, Borrego Water Coalition, Borrego Water District, Advisory Council and other interested parties have put into the creation of the Groundwater Sustainability Plan. It has been a long, complicated and at times arduous journey requiring much patience and willingness to listen on everyone's part - especially yours Thank you for your time and your expertise on behalf of Borrego Springs

I am writing in reaction to the Draft GSP's lack of any reference to the results of the Environmental Navigation Services, Inc study of our SDAC (Severely Disadvantaged Community) I am referring specifically to the high cost of water for our local low-income residents as well as the potential loss of employment when golf courses and agriculture are reduced and/or eliminated These two aspects of our water situation could have drastic impacts on the economic viability of our community With loss of jobs, families will move out of Borrego in search of employment and the local infrastructure will suffer Specifically, schools will lose students, lose state funding, lay off teachers and become a skeleton of a school district with high school becoming an online program for a few

O11-1

The loss of our labor force will impact the local economy as housekeepers, gardeners, dishwashers, laborers and other low skilled workers leave our valley in search of employment elsewhere The infrastructure of our village depends on these workers and their families, their leaving will have a definite negative impact. In addition, a town without children is truly not a livable place

Please consider the plight of our low income citizens as well as the plight of our town as you ponder next steps in our GSP

Sincerely,

Martha Deichler
School Community Liaison
Borrego Springs Unified School District

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Letter O11

Commenter: Martha Deichler, School Community Liaison, Borrego Springs Unified School District
Date: May 17, 2019

O11-1 The Groundwater Sustainability Agency (GSA) appreciates comments from the Borrego Springs Unified School District. The commenter asserts that implementation of the Groundwater Sustainability Plan (GSP) will result in loss of employment and labor force, and result in substantial reduction of population leading to an absence of children. The commenter is referred to the response to Comment O12-5 regarding consideration of Severely Disadvantaged Communities (SDACs).

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Comment Letter O12

Bennett, Jim

From: David Garmon <jdgarmon@me.com>
Sent: Tuesday, May 21, 2019 4 40 PM
To: LUEG, GroundWater, PDS
Cc: Diane Johnson
Subject: Groundwater Sustainability Plan Borrego Valley Groundwater Basin
Attachments: BVSC Comment Letter pdf

Dear Jim,

Please find attached below the comment letter from Diane Johnson, who is the Stewardship Council representative to the AC. Diane is traveling from Canada today and has asked me to submit this letter on her behalf.

Thank you,

David

Borrego Valley Stewardship Council

Borrego Springs, CA

May 21, 2019

County of San Diego
Planning & Development Services
C/O: Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Mr. Bennett,

Please accept this review of the draft Groundwater Sustainability Plan (GSP) from the Borrego Valley Stewardship Council. The Stewardship Council is an umbrella organization in Borrego Springs composed of businesses, non-profits, and governmental agencies. Please visit our website for a listing of our institutional signatories at http://www.borregovalleystewardshipcouncil.org/home.html.

The Borrego Valley Stewardship Council is committed to the sustainable development and growth of the Borrego region in its entirety. As such, we have great interest in most aspects of the GSP as described below.

We are grateful for the diligent work you and your team have put into this process over the last two years, and we look forward to continuing to work with you and your team for the health and vitality of the Borrego Valley.

O12-1

I. DETAILED REVIEW OF THE GSP BY CHAPTER

Chapter 1: Introduction

1.2 Sustainability Goal

The Sustainability Goal should be based on climate change impacts and future conditions, and should acknowledge that maximizing groundwater recharge will be a necessary component of achieving sustainability. The current draft GSP makes no reference to climate change impacts on achieving the sustainability goal; nor does it reference soil conditions, recharge rates, or land use change impacts on achieving that sustainability goal. In fact, the sustainability goal as stated in the draft GSP is not a goal at all – but simply a restatement of the intent of SGMA. It is extremely vague and not quantified in this section. This is completely inadequate and must be resolved.

O12-2

1.3.1 Organization and Management Structure

The GSA should include personnel with a focus on climate change effects on groundwater conditions and recharge rates. There is no clear identification that any of the staff on the GSA "Core Team" or Advisory Committee (AC) have background or expertise in either soil science or considering the impacts of land use on groundwater conditions. However, the organizational structure does include broad representation from relevant sectors. Personnel from the state park may be equipped to address climate change, but this is unclear. Similarly, the BVSC representative should uphold climate change concerns, but it is unclear whether they have the necessary expertise. The GSA should seek to ensure the Core Team and AC is populated with adequate expertise on both climate science, soil science, and hydrology. The GSP should be updated to include a thorough description of the requisite background of Core Team and AC members.

O12-3

1.3.3 Implementation Costs

Estimated costs to implement the GSP, and the GSA's approach to meeting those costs should include costs related to climate change impacts and adaptation, as well as costs to implement groundwater recharge. The current draft GSP includes no reference to soil conditions, recharge, or land use impacts or changing conditions as a result of climate change, and how these changing conditions could affect GSP implementation costs. The GSP implementation cost estimate does include a 10% contingency, but this is drastically insufficient, given the lack of detail in the current projects and management actions and implementation budget. The GSP implementation cost estimates need to be re-evaluated in conjunction with more detail being provided to the projects and management actions.

O12-4

Further, a thorough analysis of projected costs, and how the GSA will raise those funds, needs to be conducted to determine the potential impacts to vulnerable communities, and how to mitigate those impacts.

O12-4 Cont.

Chapter 2: Plan Area & Basin Setting

Plan Area

a) 2.1.1 Summary of Jurisdictional Areas and Other Features

Disadvantaged Communities
This section should include specific reference to disadvantaged communities. The current draft includes no specific reference to where most vulnerable community members (e.g., specific neighborhoods or population groups) within the subbasin are located.

This section should include locations and extent of communities dependent upon groundwater and noting where community wells are located near higher production wells, such as irrigation wells, that could potentially impact domestic well users' groundwater supply or quality. The current draft includes a map with density of wells per square mile, but does not include a map of the 52 "de minimis extractors," such as the 49 domestic wells in the subbasin and small water systems. Despite the requirement of SGMA not extending to de minimis users, the Borrego Subbasin GSP *should* include these users, because the overall water budget for the entire basin is relatively small, thus "de minimis" users actually make up a recognizable percentage of total extractors.

This section should represent various portions of the basin dependent upon groundwater for beneficial uses, including communities dependent upon groundwater for domestic uses. While the draft plan does map existing land use designations and zoning, it does not include specific data by land use on groundwater dependent users; all of the Borrego community and all users are groundwater dependent. This should be explicitly stated and mapped.

O12-5

b) 2.1.2 Water Resources Monitoring and Management Programs

Monitoring & Regulatory Alignment
This section should note where monitoring programs are located and where there may be gaps in monitoring. Components of the monitoring plan should include: 1) if stakeholders have requested additional monitoring; 2) either when additional monitoring will be implemented or why the request will not be approved at this time; and 3) water-relevant climate, land use and recharge

O12-6

variables (such as land use, soil conditions, precipitation, temperature, and evapotranspiration).

The current draft GSP highlights BWD's existing tiered rate structure, but does not indicate how this relates to water affordability for lower income groups. The draft provides a clear description of plan area geographic bounds, contributing watersheds, and land use designations with size and percent land cover. However, monitoring only lists the groundwater elevation monitoring wells included in CASGEM. No reference is made to soil conditions, precipitation, temperature, or evapotranspiration. Demand Offset Mitigation Water Credits Policy is the only management program in the section that adequately describes how this will impact or aligns with the GSP. All other programs included should follow this model, and this level of detail. These components need to be incorporated into the monitoring plan.

The current draft GSP references that the County Groundwater Ordinance will need to be evaluated and possibly revised to ensure consistency with GSP sustainability goals, but provides no guidance on what that would look like. There is also no information on metrics measured, past impacts, or anticipated future impacts.

O12-6
Cont.

The current draft GSP does a sufficient job explaining the impact of wells to the GSP, but still includes no metrics and no real information on how this information will be incorporated into the GSP.

This section raises a number of questions:

- How does BWD's Conservation Management Program (including tiered rates) determine water affordability for low-income communities?
- How does the Draft GSP integrate with the 2009 Anza-Borrego Desert IRWM Plan?
- How will the GSP integrate into the Region 7 Water Quality Control Plan for the Colorado River Basin?
- Why is there a discrepancy between BWD and the County's Water Credits Policy? As such, which water credits will be validated under the GSP's Baseline Pumping allocations?
- How many wells have been applied for vs. approved since passage of SB 252 and release of this plan?
- How will domestic wells and small water systems be protected from negative impacts of the baseline pumping allocation?

Each of these questions must be answered favorably for this section to adequately fulfill the requirements of the regulation.

The current draft of this section only describes the applicable laws and regulations present in the basin; it needs to be augmented to describe how monitoring of each of those programs will be incorporated into the GSP, how those existing programs will limit operational flexibility, and how the GSA will adapt to those limits.

O12-6 Cont.

c) 2.1.3 Land Use Elements of Topic Categories of Applicable General Plans

This section of the plan should identify:

- disadvantaged and severely disadvantaged unincorporated communities;
- where water agency consolidations or service extensions are being considered;
- potential sources of contamination from current land use practices;
- expected land use changes due to climate change impacts or development and socio-economic conditions, that may affect water supply and water demands, as well as groundwater recharge rates;
- projected water demand as a result of climate change or population growth, and its impact on achieving the sustainability goal; and
- how climate, land use and soil conditions impact groundwater recharge, and the affect this may have on water supply and demands how the GSP addresses those effects.

O12-7

This current draft of this section does a very good job of identifying all the policies that are relevant and in alignment with the GSP, but need to greater specificity on how the GSP will uphold or implement these various policies.

According to the San Diego County Groundwater Ordinance: "One of the purposes of the ordinance is to ensure that development is not approved in groundwater dependent areas of the County unless a project applicant can demonstrate that there are adequate supplies available to serve both existing and proposed uses." The existing Community Plan and General Plan land use policies are listed in the draft GSP, but the degree of integration is included only as a yes/no factor. This raises the questions,

1) How will the GSP affect the pre-existing San Diego County Groundwater Ordinance? and

2) How will this impact pumping allocations?

These questions should be answered in this section of the GSP, as well as providing detail on how the integration requirement is met, and identifying in

which section of both the GSP and the General Plan (GP)/ Community Plan (CP) this is discussed.

This section also fails to answer the following questions, necessary for meeting the regulatory requirements:

- Do current well permitting practices protect vulnerable water supply sources, such as shallow wells (for all beneficial uses)?
- Are there documented instances of stakeholder concerns regarding current land use or well ordinances impacting other beneficial uses?
- Which current ordinances need to be amended in order for the basin to meet its sustainability goals?
- Are the policies considered to implement the GSP actual policies that are currently in existence, or policies that would need to be established?

Each of these questions must be sufficiently answered for this section to adequately fulfill the requirements of the regulation.

O12-7 Cont.

Recharge

The San Diego County General Plan (GP) and Borrego Valley Community Plan (CP) include positive policies to protect the basin from continued overdraft and to minimize the impact of stormwater runoff (e.g., Goal LU-8; COS-5.2), yet include no mention what so ever of recharge. The current draft GSP should be augmented to include this information, and future GP / CP updates should do the same.

The current draft GSP includes positive language regarding future GP and CP needing to consider the sustainability goals of the GSP. The draft language also does an excellent job acknowledging the misalignment between agricultural preservation goals in the General Plan and groundwater sustainability in the Borrego subbasin. However, additional detail needs to be provided on how that consideration and GP / CP updates will occur, as well as how the agricultural preservation and groundwater sustainability goals will be reconciled.

O12-8

It is unclear whether GP Conservation and Open Space Element, Goal COS-4: Water Management, and/or COS-4.3 - "Maximize stormwater filtration and/or infiltration" will promote groundwater recharge, or if it only refers to stormwater mitigation where groundwater is not shallow. This policy should be clarified, and potentially reevaluated to maximize groundwater recharge potential.

The discussion in this section of estimated buildout and impacts on the GSP is inconsistent. The draft GSP states that Borrego could not meet the water needs if all allowable lots were built out, yet also states that implementation of existing

O12-9

land use will not affect sustainable management. The draft does, however, acknowledge that updated buildout estimates should be considered in conjunction with the GSP.

O12-9

Climate

The GP includes a "climate change and land use" goal (LU-5) (e.g., "sustainability"), but there is absolutely no discussion of potential climate change impacts on development patterns in the plan area. This section of the GSP needs to address this gap in existing policy by identifying potential impacts of increasing drought and evapotranspiration rates potentially making agriculture unsuitable for the subbasin, and therefore potentially causing major change in land use patterns. Further, current policy nor the draft GSP includes no discussion what so ever of climate change impacts to water supply and demand, or how the GSP will address those affects.

O12-10

d) 2.1.4 Beneficial Uses and Users

This section of the plan should include a description of the beneficial uses and users of groundwater in the basin, including potential climate impacts to beneficial uses and users, 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. This section should also identify whether groundwater recharge is a designated beneficial use in the appropriate Basin Plan (per Regional Water Quality Control Board), and discuss potential locations for groundwater recharge.

The current draft GSP states that the "beneficial uses" evaluated in this GSP are not strictly synonymous with those analyzed in the Basin Plan. It is of no benefit to the GSA or the community for the GSP "beneficial uses" to be different from the Basin Plan "Beneficial uses;" these should be consistent.

Groundwater recharge nor habitat preservation / restoration are currently not included as beneficial uses in the GSP, even though they are included in the Colorado River Basin Plan. Is this because there is no active recharge currently exists in the subbasin?
The GSA should: a) consider including groundwater recharge and habitat preservation/restoration (especially in the washes/creeks & the Anza Borrego Desert State Park) as a beneficial use in the GSP, and b) seek modification at the Regional Water Board to the existing Beneficial Use Designations to ensure consistency between the Basin Plan and the GSP.

O12-11

The current draft GSP lists de minimis users as a beneficial user in this section, but then includes them with municipal users in the water budget. This is misleading and affects proper analysis. This section should be augmented to include a narrative description of issues affecting the supply and beneficial uses of groundwater. Additionally, the GSP should distinguish between domestic well owners and small water systems independent of the municipal water supply in the water budget.

O12-11 Cont.

a) 2.1.5 Notice and Communication

The notice and communication section is required to include the following:

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

O12-12

Essentially, this section does not include a true communication strategy. Rather, this section merely describes how the GSA communicated with the public (essentially just fulfilling minimum brown act requirements).; no real communication strategy, just explaining how they met brown act violation; no explanation of decision-making, just how they engaged with the AC.

This section should also describe how climate change and related uncertainties, available adaptation strategies, groundwater recharge potential and available optimization strategies (including potential land use changes) are integrated into the GSA's communication strategy. The current draft GSP includes absolutely no mention of climate impacts, nor is there any mention of groundwater recharge opportunities.

O12-13

The current draft GSP states that there is currently no program to actively replenish the aquifer, and that aquifer storage and recovery are not being considered as an option at this time because using imported water to recharge the basin was determined to be economically infeasible. However, the GSP should consider other forms of managed aquifer recharge, such as stormwater capture and agricultural runoff management.

O12-14

The communication section should adequately outline the types of outreach performed throughout the GSP process and how outreach will continue moving forward. The current draft GSP includes little mention of <u>how</u> diverse groups were engaged; nor does it include future plans to share progress with these groups. Disadvantaged Communities ("DAC") and Severely Disadvantaged Communities ("SDAC") are not mentioned even <u>once</u> in the Stakeholder Engagement Plan, despite the entire Borrego Subbasin being designated a SDAC.

GSP meetings should always be held at times and places that enable all stakeholders to participate in at least some of the meetings. All Borrego Subbasin GSA Advisory Committee Meetings were held during work hours, thus precluding many community members from attending.

Meetings, outreach, and education materials should always be translated into appropriate languages spoken in the community. Meetings should provide services such as meals and/or childcare to enable working families to attend. While the current draft GSP does refer to translated materials, these materials are not included in the stakeholder engagement plan, nor are translation services in general mentioned in the stakeholder engagement plan.

Public comment should be taken during all meetings, and written comments should be accepted throughout the process. The current Draft GSP references targeted "SDAC engagement" via a Proposition 1 Stakeholder Engagement grant. Yet, outcomes from that engagement is not included in the draft GSP. This lack of information raises the following questions:

- What was the feedback from outreach to "Domestic water users" and "Disadvantaged and Severely Disadvantaged Communities?"
- How are these interests represented in the sustainability goals?
- How will they be included moving forward?

A list of all meetings, including times and locations, should be included in the communication section of the GSP. A sufficient number of meetings should be held to ensure stakeholders have adequate opportunities to learn about the GSP creation process and provide public comment. One public meeting, "Ad Hoc Committee on Severely Disadvantaged Community (SDAC) Involvement," occurred on 4/27/2018. Yet attendance is listed as "unknown." Meeting minutes and meeting agenda for this convening are <u>not</u> listed on the website. The two most public meetings ("Community Meetings" on 3/16/18 and 9/19/18) also lack meeting minutes and agendas on the GSA website, despite the GSP referencing that these materials <u>are</u> on the website. for either of the 2 most public meetings.

O12-15

O12-16

The Notice and Communication section, as well as the Stakeholder Engagement Plan for the draft GSP is woefully lacking. This raises the following concerns: has there been adequate stakeholder surveying and mapping? How were stakeholders informed of the process? How are the interests of small businesses, the tourism industry, and residents represented in the GSP? What were the key messages shared?

To remedy these shortcomings, the GSA should:

- Provide responses to the questions above in the Notice and Communications section of the GSP;
- Identify the outreach plan moving forward through GSP implementation, especially in development and implementation of Projects and Management Actions;
- Describe how public comments and feedback are incorporated into the GSP;
- Provide more opportunities for public input (e.g., more Community Meetings with agendas and minutes posted online) with special effort to ensure these meetings are accommodating of all community members;
- Determine how the stakeholder engagement plan will be evaluated and adapted moving forward, and share that methodology with all stakeholders.

O12-17

The Borrego Subbasin GSA must augment its stakeholder engagement plan and communication section of the GSP to incorporate the following changes:

- Post meeting minutes and agendas from all community meetings;
- Identify specifically which/where vulnerable community groups are;
- Explain how vulnerable communities have been (and should be) engaged;
- Describe the major concerns of community members as identified by community members;
- Establish a process for incorporating public input into GSP revisions;
- Determine how the Stakeholder Engagement Plan will be evaluated and regularly updated.

f) 2.1.6 Additional GSP Elements

According to CWC Section 10727.4, the GSP must describe the "processes to review land use plans and efforts to coordinate with land use planning agencies to assess activities that potentially create risks to groundwater quality or quantity." While the current draft GSP does indeed list the relevant land use planning documents, there is no description of the process followed, or that will continue to be used, for reviewing and coordinating with other land use planning activities.

O12-18

This section of the GSP must be augmented to fully meet the regulatory requirement. O12-18

This section of the GSP should describe how soil conditions and land use may further impact groundwater dependent ecosystems and how to mitigate such impacts. It should also consider an increase on water storage losses due to higher climate change temperatures. The current draft GSP includes no mention what so ever of potential impacts to groundwater dependent ecosystems, nor of water storage loss from higher temperatures; it merely mentions loss of storage in the context of potential intra-basin transfers. The GSP should be augmented to address these inadequacies. O12-19

Basin Setting

g) 2.2.1 Hydrological Conceptual Model

Drinking Water

The Hydrological Conceptual Model (HCM) should specify which aquifers are the main source of water for drinking water purposes, as well as for DACs, households relying on private wells, small community water systems, and school districts. The current draft GSP identifies the upper aquifer as the main source of water in the subbasin historically. Yet, this section does not explicitly state whether it is also the shallow aquifer that serves as the main source of water for DACs, households relying on private wells, small community water systems, and school districts. This must be rectified by including more information on the upper aquifer as it pertains to community drinking water. O12-20

For aquifers of interest for drinking water wells, the HCM should specify the overall water bearing characteristics of the aquifer (e.g., overall water quality, overall water production capacity, vertical and lateral extent, hydraulic conductivity, and storativity).

The HCM should specify how much recharge can be accomplished in different hydrogeologic environments/aquifers, and particularly provide a brief description of potential benefits and concerns of the potential recharge areas.

The HCM should be attentive to information provided for shallow aquifers and water quality concerns.

h) 2.2.2 Current and Historic Groundwater Conditions

Groundwater Elevation O12-21

The HCM should clearly state specific groundwater levels in relation to various land uses. In particular, the HCM should note where first-encountered groundwater is relatively deep; where groundwater users reliant upon shallower wells; and where users may not have the resources to drill new, deeper wells. Special notice should be given to drinking water uses. The current draft GSP provides no information regarding dewatering of wells, rehabilitation costs, rehabilitation data, or any other information about the impacts to DACs. The GSP should, but does not currently include a map identifying the locations of all drinking water systems, DACs, and areas of critical lowering of GW levels. The GSP should use monitoring wells screened for a specific aquifer, not combining aquifers, so as to indicate whether, and if so where, dewatering of wells is occurring.

O12-21 Cont.

Groundwater Quality

This section of the plan should include a map of known groundwater conditions, including sensitive uses and users of groundwater that may be impacted or threatened to be impacted.

According to the GSP, "The lateral distribution of the wells in the monitoring network that measure groundwater quality is limited, and does not extend to the outer portions of each management area." The GSP also notes that "high salinity, poor-quality connate water is thought to occur in deeper formational materials in select areas of the aquifer as well as shallow groundwater in the vicinity of the Borrego Sink in the southern portion of the Plan Area." The GSA needs more monitoring data for "de minimis" domestic well users and small water systems, especially regarding the potential impacts to disadvantaged community members and cost projections for remediation. The GSP should also indicate which wells are being considered to be taken out of production or drilled deeper to mitigate water quality concerns. Increasing contamination trends are noted in the GSP, but there is little discussion of how these issues will be addressed under the sustainability goal and management actions.

O12-22

Drinking Water

This section should also include information regarding contamination of wells, treatment costs, water quality data, or any other information regarding the impacts to disadvantaged communities. This should also include a map noting the locations of all drinking water systems, DACs, and areas of critical water quality contamination. The current draft of the GSP does not include this information. However, meeting minutes posted on the GSA website note that community members are concerned about elevated nitrate levels in some drinking water wells. This is referenced in the GSP, but not adequately.

O12-23

i) 2.2.3 Water Budget Information

The water budget should include historical use of groundwater for all types of uses and users, in particular the uses of small drinking water systems, regardless of whether they will be subject to pumping restrictions. Future use for drinking water needs must utilize data from sources such as county general plans and LAFCo documents (e.g., population projections and water demand forecasts).

The historic groundwater use percentages in the Borrego Subbasin (i.e., 70% agriculture, 20% golf course, 10% municipal) is not sustainable. This section should include a description of how historical conditions have impacted the ability of BWD and the County of San Diego to manage the basin within sustainable yield. Further, including domestic/de minimis users with the overall municipal users water budget and municipal pumping reductions is both inappropriate and inaccurate. These uses must be separated and accounted for independently in the water budget.

Data used to develop the water budget is out dated and inaccurately represents the groundwater conditions in the subbasin. The GSP must use the most recent data, and exclude data sets producing a biased result. For example, the hydrological modeling projections currently used in the draft GSP include time periods extending far back in time, prior to when pumping began, and do not take into account shifts in the hydrologic regime which have occurred as a result of climate change. The water budget currently does not (and must) consider projected recharge reductions due to land fallowing and water conservation.

These inadequacies must be addressed in order for the water budget to accurately represent present groundwater conditions and support the sustainability goal.

O12-24

j) 2.2.4 Management Areas

The purpose of this section is to ensure that management areas are designed in a way to protect, rather than harm, particular uses and users of groundwater. Management areas should be designed to set stricter requirements near vulnerable drinking water sources. The current draft GSP provides no indication of where potentially vulnerable drinking water source are within the management areas. The GSP should include a map identifying the location of all drinking water systems, DACs, and areas of particular threat from lowering of groundwater levels.

O12-25

Chapter 3: Sustainable Management Criteria

k) 3.1 Sustainability Goal

According to 23 CCR § 354.24, the GSP must include a sustainability goal using information from the basin setting to establish measures that will ensure sustainable yield, and describe a realistic path to achieving the goal over a 20-year period. The sustainability goal should also consider all beneficial uses and users susceptible to harm from changing groundwater conditions over the 20-year time frame.

The GSP's primary sustainability goal, and five sub-goals, are brief and overly broad. As previously stated, utilizing the BVHM modeling from 1945-2010 that cites groundwater conditions from a time period before major agricultural development began, does not accurately reflect the current hydrogeological make-up of the basis, nor does it consider future impacts from climate change. The GSP should use the most recent data and hydrogeologic modeling that includes potential impacts from climate change, and exclude data sets producing a biased result.

O12-26

Of the five sub-goals, only two of them explicitly consider domestic well owners (chronic lowering of groundwater levels and water quality concerns), however, the goals aren't tied back to the basin setting, nor do they identify specific vulnerable areas or how these goals impacts the sustainable yield.

It is unclear whether the sustainability goal intends is to address pre-SGMA impacts, or maintain current conditions.

The sustainability goal explains how land use and groundwater recharge was considered towards achieving the sustainability goal within 20 years of Plan implementation

local determination of the sustainable management criteria (sustainability goal, undesirable results, minimum thresholds, and measurable objectives).

a) 3.2 Undesirable Results

The GSP only considers 3 of the 6 possible sustainability indicators: Only considering 3 of the 6 possible sustainability indicators:
1. Chronic Lowering of Groundwater Levels
2. Reduction of Groundwater Storage

O12-27

3. Degraded Water Quality Makes sense to not consider seawater intrusion, but land subsidence & connected surface waters should be included!

O12-27 Cont.

Chronic Lowering of Groundwater Levels

The GSP accurately identifies de minimis users as one of the groups most vulnerable to lowering groundwater levels, and cites the technical, financial and geographic constraints these users face when compared to better resourced pumpers like BWD or larger agricultural users. While this is notable, it is unclear how outreach was conducted to help better understand the negative impacts different stakeholders are experiencing due to declining groundwater levels. Some alternative means of obtaining water for de-minimis and domestic pumpers who can no longer pump are mentioned in the plan, however these alternatives lack further discussion in the minimum thresholds, measurable objectives, or projects and management actions.

It's noted that the some de minimis wells may currently lack access to adequate water, and may be close to the BWD water distribution system, however the project management actions fail to discuss how consolidation is being considered for these de minimis users. The GSP includes figures (i.e. Figure 3.2-4) with average domestic well depths, however this map should include specific well data to better identify the most vulnerable areas.

O12-28

The GSP also reports, "The exact number of agricultural and domestic wells that have been abandoned and re-drilled deeper and/or relocated due to production rate loss from declining groundwater levels is not known. However, anecdotal information and field observations have confirmed that inactive wells exist throughout the Plan Area" (Section 3.2.1, Page 3-10). Similar to well consolidation, the GSP fails to address the data gap of abandoned wells, and the steps being taken to follow up on anecdotal concerns.

The GSP fails to consider pre-SGMA impacts to groundwater levels, instead opting to set the highest bar as maintaining current conditions, or levels at a lower than current state.

Minimum Threshold for Chronic Lowering of Groundwater Levels:

The minimum threshold for chronic lowering of groundwater levels is based principally on the documented screen intervals of key municipal water wells and domestic/de-minimis wells located in the basin, however, not all of the de-minimus wells have accurate data to identify where at-risk wells may be located. The GSP should indicate how the GSA's intend to improve well monitoring data for de minimis users as part of the interim milestones

O12-29

Measurable Objective for Chronic Lowering of Groundwater Levels:
The GSP proposes linear pumping cuts for agricultural, municipal, and recreational users, however these is no description of how different uses and users of groundwater were considered and whether the measurable objectives and interim milestones will help achieve the sustainability goal as it pertains to the most vulnerable uses of groundwater, namely de minimis users and small water systems. It is unclear how the margin of safety protects de minimis users. In addition, the outlined 5-year evaluation of the interim milestones and measurable objectives does not indicate how stakeholders will be engaged throughout these interim evaluations

O12-30

Lowering of Groundwater Storage
Lowering groundwater levels are intrinsically linked with decreased groundwater storage, however the , and begins to address how the sustainability goals will impact the San Diego County General Plan and Borrego Spring Community Plan.

O12-31

Degraded Water Quality
Must include how stakeholders will be engaged throughout these interim evaluations, specifically how to set MT's for growers in the region to meet ag needs.
Increased need for monitoring water quality in domestic wells. Indicate how the GSP will integrate with the RQCB 'Basin Plan' groundwater quality objectives.

O12-32

Minimum Threshold/Measurable Objectives

The GSP fails to indicate how these will be determined or met.

b) 3 5 Monitoring Network

Data gap in 3.5.4.2 - Well screened in multiple aquifers
- Screen can be slots or other measure that allows water through and keeps solids out
- Water comes from the aquifer into the well
- When you're using a monitoring well that is screened in different aquifers, you're getting a combined result - not really seeing what the impacts on a given aquifer are
- Need to use monitoring wells screened for a specific aquifer, not combining aquifers

O12-33

Chapter 4. Projects and Management Actions

However it is unclear how the top priority PMA's (land fallowing and pumping reductions) will impact domestic/small water system users

Expected benefits and metrics for evaluation for each PMA do a poor job of mentioning how PMA's will impact groundwater-dependent vulnerable groups

O12-34

PMA's were not put before stakeholders (see feedback in Section 4.0), therefore stakeholders are not aware of project goals, timelines, benefits, and risks

Prior to adoption, the GSA should hold public meetings to gather input on the PMA's via publicly available meetings (appropriate meeting times, translation and childcare services, etc.).

Notes: According to public meetings posted on the GSA website, there was no 'Community Meeting' held to discuss the projects and management actions - the most recent Advisory Committee meeting (Jan 2019) includes slides on the PMA's and how to provide input, however, minutes from the meeting aren't posted (incorrect minutes are posted from Aug 2018); AND as seen from the previous schedule of Advisory Committee meetings, these meetings tend to take place beginning at 10:00 am during workdays.

O12-35

Thank you very much for your consideration of our concerns regarding this draft of the GSP. Please do not hesitate to contact me with any questions regarding the Stewardship Council's interests/concerns.

Sincerely yours,

Diane Johnson

Diane Johnson
BVSC Representative to the GSP Advisory Council

Letter O12

Commenter: Diane Johnson, Advisory Committee Member, Borrego Valley Stewardship Council
Date: May 21, 2019

O12-1 The Groundwater Sustainability Agency (GSA) welcomes comments submitted on behalf of the Borrego Valley Stewardship Council and recognizes your participation on the Advisory Committee and your commitment to sustainable development and growth of the Borrego region.

O12-2 The GSA acknowledges your comment that the Sustainability Goal should be based on climate change impacts and future conditions, and should acknowledge that maximizing groundwater recharge will be a necessary component of achieving sustainability. With regard to groundwater recharge, the commenter is referred to the GSAs response to Letter I19. With regard to climate change, the commenter is referred to Groundwater Sustainability Plan (GSP) Section 3.3.1.1 and Section 3.4.1 for a discussion of how Department of Water Resources (DWR) climate change factors were considered and applied in the establishment of minimum thresholds and measurable objectives.

The comment also indicates that sustainability goal is not a goal at all but simply a restatement of the intent of Sustainable Groundwater Management Act (SGMA) and inadequate. The GSA notes this concern, and the commenter is referred to GSP Section 3.1, which adequately describes the GSAs sustainability goal in accordance with SGMA and DWR regulations. Furthermore, GSP pgs. 3-21 and 3-22 explains how climate change was considered in the development of sustainable management criteria.

O12-3 The GSA notes the comment that the GSA should include personnel with a focus on climate change effects on groundwater conditions and recharge rates. The commenter indicates that there is no clear identification that any of the staff on the GSA "Core Team" or Advisory Committee (AC) have background or expertise in either soil science or considering the impacts of land use on groundwater conditions. The commenter requests that the GSA ensure that the Core Team and AC be populated with personnel with adequate expertise on climate science, soil science, and hydrology, and that the GSP be updated to include a thorough description of the requisite background of Core Team and AC members. The commenter is referred to GSP Section 1.3 and Appendix E, which describes the organization and management structure of the GSA.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

O12-4 The GSA acknowledges the comment that estimated costs to implement the GSP, and the GSA's approach to meeting those costs should include costs related to climate change impacts and adaptation, as well as costs to implement groundwater recharge. The commenter also indicates that the Draft GSP includes no reference to soil conditions, recharge, or land use impacts or changing conditions as a result of climate change, and how these changing conditions could affect GSP implementation costs. The commenter believes the GSP implementation cost estimates should be re-evaluated in conjunction with more detail being provided to the projects and management actions. The commenter requests an analysis of how the GSA will raise funds, and to determine potential impacts to vulnerable communities, and how to mitigate those impacts.

With regard to groundwater recharge, the commenter is referred to the GSAs response to Letter I19. With regard to climate change, the commenter is referred to GSP Section 3.3.1.1 and Section 3.4.1 for a discussion of how DWR climate change factors were considered and applied in the establishment of minimum thresholds and measurable objectives. The commenter is referred to GSP Chapter 5 for a description of GSP implementation, including costs. It should be noted that the specificity of cost estimates are commensurate with the level of detail of the Project and Management Actions (PMAs), and are subject to change. Finally, the commenter is reminded that the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any of the PMAs in the GSP.

O12-5 The commenter requests that the GSP be revised to indicate reference where the most vulnerable community members (e.g., specific neighborhoods or population groups) within the Subbasin are located. The commenter is referred to GSP Section 2.1.1 (Summary of Jurisdictional Areas and Other Features) for a description of the characteristics of the community including Severely Disadvantaged Community (SDAC) status. In addition, the commenter requests that the GSP include locations and extent of communities dependent upon groundwater, including where community wells are located near higher production wells, such as irrigation wells, that could potentially impact domestic well users' groundwater supply or quality. The commenter asserts that despite the requirement of SGMA not extending to de minimis users, the Borrego Subbasin GSP should include these users, because the overall water budget for the entire basin is relatively small, thus "de minimis" users actually make up a recognizable percentage of total extractors. In addition, the

commenter indicates that should represent various portions of the basin dependent upon groundwater for beneficial uses, including communities dependent upon groundwater for domestic uses and include specific data by land use on groundwater dependent users. Lastly, the commenter indicates that all of the Borrego community and all users are groundwater and this should be explicitly stated and mapped.

The Draft GSP adequately describes SDAC concerns, including the location of municipal and domestic wells which serves the SDAC. The Draft GSP adequately describes the location of de-minimis well users, and establishes thresholds protective of those uses. GSP Chapter 3 includes Figure 3.2-4 which shows the approximate location of de-minimis users along with BWD's distribution systems. In addition, Chapter 3 addresses how the GSP establishes thresholds that are protective of de-minimis users (Section 3.2.1 and Section 3.3.1). SGMA does not require identification of SDACs at the level of detail requested by the commenter. The GSA has appropriately identified the SDAC at the general scale of the U.S. Census Designated Place (CDP) and tracts.

The GSA sought grant funding to prepare the GSP and identify vulnerabilities and potential impacts from the GSP process on SDAC-related issues (e.g., water supply, cost, and infrastructure concerns). The BWD placed into the administrative record the SDAC Impact/Vulnerability Analysis (Task 2 Report) prepared by Environmental Navigation Services Inc., dated April 15, 2019. Besides defraying costs for the community, the report was prepared to understand the implications that the implementation of SGMA will have on the SDAC population of Borrego Springs. The report describes specific vulnerabilities, including challenges associated with potential loss of seasonal jobs in the agricultural and recreational sectors, funding and access to public schools, and water rate impacts to the lowest income portion of the community. The 20-year SGMA compliance period does provide time for the community to adapt, and potentially using the BWD's tiered rate structure and the GSA's commitment to seeking state funding to support the SDAC as the primary potential mitigation strategies to address SDAC concerns. GSP Section 2.1.5 has been amended to briefly summarize the results of BWD's Impact/Vulnerability Analysis.

O12-6 The commenter indicates that GSP Section 2.1.2 should note where monitoring programs are located and where there may be gaps in monitoring. In addition, the commenter requests that components of the monitoring plan should include: (1) if stakeholders have requested additional monitoring; (2) either when additional monitoring will be implemented or why the request will not be approved at this

time; and (3) water-relevant climate, land use, and recharge variables (e.g., land use, soil conditions, precipitation, temperature, evapotranspiration).

The GSA notes the comment that the Draft GSP highlights BWD's existing tiered rate structure, but does not indicate how this relates to water affordability for lower income groups. The commenter indicates that no reference is made for monitoring data specific to soil conditions, precipitation, temperature, or evapotranspiration. In addition, the commenter requests that all programs include the level of detail provided for the Demand Offset Mitigation Water Credits Policy and that these components [soil conditions, precipitation, temperature, or evapotranspiration] need to be incorporated into the monitoring plan.

The commenter states that the Draft GSP provides no guidance on how the County Groundwater Ordinance will need to be evaluated and possibly revised to ensure consistency with GSP sustainability goals. The GSA is unclear on the following comment: ". . . no information on metrics measured, past impacts, or anticipated future impacts." The commenter indicates the following six items need to be addressed and favorably answer to adequately fulfill the requirements of SGMA: (1) relationship of tiered rate to water affordability for low-income communities; (2) 2009 Anza-Borrego Desert IRWM Plan; (3) Region 7 Water Quality Control Plan; (4) BWD and the County's Water Credit Policy; (5) wells since passage of Senate Bill (SB) 252 and release of this plan; and (6) how will domestic wells and small water systems be protected from negative impacts of the baseline pumping allocation. Your comment suggests that describing applicable laws in the Draft GSP is not sufficient and that the GSP must to be augmented to describe how monitoring of each of those programs will be incorporated into the GSP, how those existing programs will limit operational flexibility, and how the GSA will adapt to those limits.

In response to this comment, the GSA has revised Section 2.1.2 to provide additional information on the relevance of the water resource management programs to implementation of the GSP as well as operational flexibility considerations. Adequate information on soil conditions, precipitation, temperature, and evapotranspiration is found in Chapter 2, and Chapter 3 incorporates climate change considerations into the development of sustainable management criteria. Otherwise, this comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

O12-7 The GSA acknowledges your comments on Section 2.1.3 Land Use Considerations and your request to identify the following items: (1) disadvantaged and severely disadvantaged unincorporated communities; (2) where water agency consolidations

or service extensions are being considered; (3) potential sources of contamination from current land use practices; (4) expected land use changes due to climate change impacts or development and socio-economic conditions, that may affect water supply and water demands, as well as groundwater recharge rate; (5) projected water demand as a result of climate change or population growth, and its impact on achieving the sustainability goal; and (6) how climate, land use and soil conditions impact groundwater recharge, and the affect this may have on water supply and demands how the GSP addresses those effects.

Your comment indicates that the Draft GSP needs specificity on how the GSP will uphold or implement various policies. In addition, you question how will the GSP affect the pre-existing San Diego County Groundwater Ordinance and how will this impact pumping allocations.

Additionally, you indicate that Section 2.1.3, Land Use Considerations, fails to answer the following items necessary for meeting SGMA requirements: (1) do current well permitting practices protect vulnerable water supply sources, such as shallow wells (for all beneficial uses); (2) are there documented instances of stakeholder concerns regarding current land use or well ordinances impacting other beneficial uses; (3) which current ordinances need to be amended in order for the basin to meet its sustainability goals; and (4) are the policies considered to implement the GSP actual policies that are currently in existence, or policies that would need to be established?

Adequate information on well permitting practices is found in GSP Section 2.1.2; adequate information on stakeholder concerns is found in GSP Section 2.1.5; and adequate information on current ordinances and policies and how they relate to GSP implementation is found in GSP Sections 2.1.2 and 2.1.3. As discussed in Chapter 2 (Section 2.1.3), population growth is expected to be minimal, as existing regulatory, environmental, and public service constraints severely limit the ability for Borrego Springs to grow. Water demand and supply is provided in GSP Section 2.2.3. In addition, the commenter is referred to previous responses O12-1 through O12-6 for responses to issues around climate change, land use and soil conditions.

O12-8 The GSA notes your comment that the San Diego County General Plan and Borrego Valley Community Plan include positive policies to protect the basin from continued overdraft and to minimize the impact of stormwater runoff (e.g., Goal LU-8; COS-5.2), yet include no mention what so ever of recharge. The GSA acknowledges your comment that Draft GSP should be augmented to include this information. In addition, you indicate that detail needs to be provided on how the

misalignment between agricultural preservation goals in the General Plan with the goals of the GSP will be aligned in the update to the General Plan.

The GSA notes your comment that it is uncertain whether General Plan Conservation and Open Space Element, Goal COS-4: Water Management, and/or COS-4.3 - "Maximize stormwater filtration and/or infiltration" will promote groundwater recharge, or if it only refers to stormwater mitigation, and that this policy should be clarified and potentially reevaluated to maximize groundwater recharge potential.

As described in the GSP (Section 2.1.3), "At the next County General Plan update, land use policies will be brought in line with the sustainability goals of this GSP. This will be done by considering the sustainability goals and the projects and management actions of the GSP in the updated community plan and through revisions to the County's groundwater ordinance."

O12-9 The GSA notes your comment that you infer that the GSP states that Borrego Springs could not meet the water needs if all allowable lots were built out, yet also states that implementation of existing land use will not affect sustainable management. This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary. As discussed in Chapter 2 (Section 2.1.3), population growth is expected to be minimal, as existing regulatory, environmental, and public service constraints severely limit the ability for Borrego Springs to grow. As stated in the GSP (pg. 2-21): "Future general plan and community plan updates should consider the sustainability goals of this GSP. Updated buildout estimates should be considered in conjunction with the sustainability goals, projects, and management actions outlined in this GSP."

O12-10 The GSA notes your comment that there is absolutely no discussion of potential climate change impacts on development patterns in the plan area. In addition, you indicate that current policy nor the Draft GSP includes no discussion what so ever of climate change impacts to water supply and demand, or how the GSP will address those affects. The commenter is referred to previous responses to Comment O12-1 through Comment O12-7 regarding issues around climate change, land use, and soil conditions.

O12-11 GSP Section 2.1.4 includes adequate information on beneficial uses and users at an appropriate level of detail to comply with SGMA. Groundwater recharge is discussed in GSP Section 2.2.1.4 and specific areas conducive to recharge are shown in Figure 2.2-11; in addition, recharge sources are quantified in GSP Section

2.2.3. As discussed in GSP Section 2.1.6, there is no program to actively replenish the aquifer, and there are no conjunctive use and/or underground storage programs within the Plan Area. Natural recharge is not considered a beneficial use.

Finally, the GSA notes the commenter's opinion that de minimis users should be listed as a separate beneficial use in Section 2.1.4. This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

O12-12 The commenter asserts that the GSP does not describe a true communication strategy. GSP Section 2.1.5 includes adequate information on notice and communication at an appropriate level of detail to comply with SGMA, and the commenter is referred to Appendix C which includes additional detail on the GSA's communication strategy. In addition, GSP Section 2.1.5 has been amended to briefly summarize the results of BWD's SDAC Impact/Vulnerability Analysis.

O12-13 The GSA notes the comment that Section 2.1.5 should describe how climate change and related uncertainties, including adaptation strategies, groundwater recharge potential, and other optimization strategies, are integrated into the GSA's communication strategy. The commenter is referred to previous responses to Comment O12-1 through Comment O12-11 for responses to issues around climate change, groundwater recharge, land use and soil conditions.

O12-14 The GSA acknowledges this comment on aquifer replenishment. The commenter is referred to previous responses to Comment O12-1 through Comment O12-11 for responses to issues around climate change, groundwater recharge, land use, and soil conditions.

O12-15 The GSA acknowledges the commenter's concern about the GSA's communication strategy. GSP Section 2.1.5 includes adequate information on notice and communication at an appropriate level of detail to comply with SGMA, and the commenter is referred to Appendix C which includes additional detail on the GSA's communication strategy. As stated therein,

> the GSA gathered valuable information [from the public, including the SDAC] about community concerns, which primarily related to rising water rates, economic impacts (e.g., job loss), land use changes, water use allocations, water quality, and long-term environmental impacts. This information was then incorporated into the development of this GSP, and considered in the evaluation of groundwater dependent ecosystem (GDE), development of projects

and management actions, seeking additional funding opportunities to minimize impacts on ratepayers, and land use implications.

In addition, GSP Section 2.1.5 has been amended to briefly summarize the results of BWD's SDAC Impact/Vulnerability Analysis, including mitigation strategies to address potential economic impacts of GSP implementation.

O12-16 Commenter points out attendance is not known for several meetings in Appendix C2 (List of Public Meetings), and indicates meeting minutes for several meetings are not posted on the website. The County website has archives of all GSA GSP advisory committee meetings and does not include meeting minutes that were hosted solely by the BWD.

O12-17 The GSA acknowledges the commenter's concern about the GSA's communication strategy. GSP Section 2.1.5 includes adequate information on notice and communication at an appropriate level of detail to comply with SGMA, and the commenter is referred to Appendix C which includes additional detail on the GSA's communication strategy. In addition, GSP Section 2.1.5 has been amended to briefly summarize the results of BWD's SDAC Impact/Vulnerability Analysis, including mitigation strategies to address potential economic impacts of GSP implementation.

O12-18 The GSA acknowledges the commenter's concern about the GSA's coordination of land use planning and SGMA compliance. It should be noted that the County—who is the only land use planning agency in the Subbasin—is also part of the GSA. Accordingly, no special inter-agency coordination is needed to ensure land use plans are updated to be consistent with the GSP. This isn't necessarily the case for other GSAs in the state. GSP Section 2.1.3 includes adequate information to comply with CWC Section 10727.4.

O12-19 The GSA acknowledges the commenter's claim that the GSP lacks information on soil conditions, land use impacts, groundwater dependent ecosystems, and climate change. The GSP includes adequate information on all these topics. The commenter is referred to previous responses to Comment O12-1 through Comment O12-11, and to the master response of groundwater dependent ecosystems.

O12-20 The GSA acknowledges the commenter's claim that the GSP lacks information on drinking water sources and water quality for SDACs, domestic well owners, small water systems and school districts. The source and quality of water is the same as described in the GSP for the whole Subbasin. The commenter is referred to Chapter 2 for complete information about aquifer properties, water quality, and water

budget. Furthermore GSP Chapter 3 provides additional information relevant to private well owners, small water systems, and de minimis users, including figures of how much water remains in the upper aquifer (e.g., Figure 3.2-1).

O12-21 The GSA acknowledges the commenter's opinion that the GSP should go into detail on each users' wells, the depth to groundwater for each, and speculate as to users' needs, costs, and/or resources to rehabilitate or drill new wells. GSP Chapter 3 includes adequate information that describes undesirable results for all beneficial users of groundwater within the Subbasin, including de minimis users of groundwater. It is not within the scope of the GSP nor necessary to meet SGMA requirements to go into the level of detail requested by the commenter.

O12-22 The GSA acknowledges the commenter's concerns about groundwater quality. The GSP adequately describes groundwater quality problems, including specific areas of concern. This information is primarily found in GSP Section 2.2.2.4, but is succinctly summarized in Chapter 4, pg. 4-30, which states,

> naturally occurring poor water quality has been identified in specific areas: near the margins of the Subbasin where unconsolidated sediments are in contact with fractured bedrock; for select wells screened predominantly in the lower aquifer of the South Management Area that have concentrations of arsenic above the drinking water maximum contaminant level; and near the Borrego Sink where elevated sulfate and TDS [total dissolved solids] are likely associated with dissolution of evaporites from the dry lake.
>
> Historical groundwater quality impairment for nitrates is noted for select portions of the Subbasin predominantly in the upper aquifer of the North Management Area underlying the agricultural areas and near high density of septic point sources. The source of nitrates is likely associated with either fertilizer applications or septic return flows.

In addition, the GSP has been amended to clarify that BWD does not have wells in the Borrego Sink area, and utilizes wells that produce water meeting Title 22 requirements without further treatment.

O12-23 The GSA acknowledges the commenter's opinion that the GSP should go into detail on the water quality characteristics for SDAC users' wells, and speculate as to users' needs, costs, and/or resources to treat a presumed water quality issue. The GSP includes adequate information that addresses water quality concerns within

the Subbasin. It is not within the scope of the GSP nor necessary to meet SGMA requirements to go into the level of detail requested by the commenter.

O12-24 The GSA acknowledges the commenter's objection to including domestic/de minimis users' water uses into the larger municipal beneficial use umbrella. The GSP includes adequate information on groundwater conditions in the Subbasin, including the water budget. The commenter is referred to the master responses for the baseline pumping allocation and on the initial estimate of sustainable yield.

O12-25 The GSA acknowledges the commenter's opinion that the GSP should define management areas based on vulnerable drinking water sources, and that a map of drinking water systems, DACs, and groundwater levels should be provided. As discussed in the GSP, management areas are defined through a combination of criteria, one of which includes the predominant uses of groundwater (i.e., agricultural, recreational, or municipal). The commenter is referred to Figure 2.1-2 for a map of BWD's water service area and identification of small water systems. The commenter is referred to Figure 3.2-4 for a map that approximates the location, depth, and available water for de minimis users, as well as their location relative to BWDs drinking water distribution system.

O12-26 The GSA acknowledges the commenter's opinion that the GSP's sustainability goal and sub-goals are too brief and overly broad.

O12-27 The GSA acknowledges the commenter's statement that the GSP considers only three of the six possible sustainability indicators. The GSP considers all six sustainability indicators but has determined that undesirable results for seawater intrusion, land subsidence, and interconnected surface waters are not presently occurring or likely to occur over SGMA's planning and implementation horizon. For this reason, the GSP does not establish sustainable management criteria for those three indicators, as discussed in GSP Section 3.2.

O12-28 The GSA acknowledges the commenter's concerns about how the GSP's sustainable management criteria for chronic lowering of groundwater levels is protective of domestic and de minimis well users. The minimum threshold justification (GSP Section 3.3.1.1) is equally applicable to domestic and de minimis well users as it is to municipal beneficial uses served by BWD. Specifically, it states that an undesirable result would occur if groundwater level declines "lower the rate of production of pre-existing groundwater wells below that necessary to meet the minimum required to support the overlying beneficial use(s), where alternative

means of obtaining sufficient groundwater resources are not technically or financially feasible."

Furthermore, GSP Section 3.2.1 provides additional information about domestic and de-minimis wells: "an important objective in this GSP is that access to the upper aquifer or upper middle aquifer be maintained, as much is practicable, in areas with de minimis and other domestic wells not currently served by municipal supply (Figure 3.2-1 and Figure 3.2-2)." The GSA's groundwater level monitoring network is sufficient to detect whether significant groundwater depressions and/or accelerated rates of decline might affect domestic and/or deinimis well owners, and such information will be included in annual reports and 5-year GSP evaluations. However, it is neither within the scope of the GSP nor feasible at this time to identify conditions in each private/domestic de minimis well or predict whether or to what degree individual's well yields might be affected in the future. Regarding inactive wells, it should be noted that PMA No. 4 (Water Quality Optimization) (described in GSP Section 4.6.1) includes consideration for proactive abandonment of inactive wells to minimize migration pathways.

O12-29 The commenter is referred to response to Comment O12-28.

O12-30 The GSA acknowledges the commenter's inquiry on how the measurable objective and interim milestones protects domestic and/or de-minimis well owners. The commenter is referred to response to Comment O12-28.

O12-31 This comment appears to have been truncated, but is interpreted as asking how the sustainable management criteria for lowering of groundwater in storage will impact the San Diego General Plan and Borrego Springs Community Plan. As described in the GSP (Section 2.1.3), "At the next County General Plan update, land use policies will be brought in line with the sustainability goals of this GSP. This will be done by considering the sustainability goals and the projects and management actions of the GSP in the updated community plan and through revisions to the County's groundwater ordinance."

O12-32 This comment appears to be incomplete, but is interpreted as asking how the GSA intends on monitoring and evaluating the sustainable management criteria for groundwater quality. The commenter is referred to GSP Sections 3.3.4, 3.4.4, and 3.5.

O12-33 The GSA acknowledges the commenter's notes on minimum thresholds and measurable objectives. The GSP does not fail to indicate how minimum thresholds and measurable objectives will be met. The commenter is referred to Chapter 3 and

Chapter 4 of the GSP. The remainder of the comments do not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

O12-34 The GSA acknowledges the commenter's statement that it is unclear how PMA's will impact domestic/small water system users. As de-minimis users are not subject to the pumping reduction program, implementation of PMAs are expected to result in improved groundwater conditions when compared to the impacts of doing nothing. For small water systems considered as non-de minimis users, the commenter is referred to the master response on the baseline pumping allocation and pumping reduction program.

O12-35 The GSA acknowledges the commenter's assertion that PMA's were not put before stakeholders. The commenter is referred to GSP Appendix C2, which includes a list of public meetings. Public meetings that reviewed PMAs in full, or aspects of PMAs, occurred on May 31, 2018; August 30, 2018; November 29, 2018; and January 31, 2019. Both AC and community meetings are open to the general public.

Comment Letter O13

From: Diane E.P. Johnson <depjohnson@aol.com>
Sent: Tuesday, May 21, 2019 5:01 PM
To: LUEG, GroundWater, PDS
Subject: Stewardship Council comments on BVGSP

Borrego Valley
Stewardship Council

May 21, 2019

County of San Diego

Planning & Development Services

C/O: Jim Bennett

5510 Overland Avenue, Suite 310

San Diego, CA 92123

Re: Groundwater Sustainability Plan

Borrego Valley Groundwater Basin

Borrego Springs Sub-basin

Dear Mr. Bennett,

The Borrego Valley Stewardship Council (BVSC) submits the following comments in reviewing the Draft Groundwater Sustainability Plan.

I. Introduction

The Borrego Valley Stewardship Council is a convening entity, guided by the Borrego Valley Geotourism Charter, that regularly brings together a collection of civic and community organizations, government officials, agency staff, academic institutions, and interested citizens to address major issues of concern impacting the Anza-Borrego Desert State Park, the Valley, and residents. The Council was formed in 2014 in cooperation with the National Geographic Society's Geotourism Program and the University of California, Irvine Steele/Burnand Anza-Borrego Desert Research Center. Signatories include Anza-Borrego Desert State Park--California State Parks; Borrego Water District; Borrego Springs Unified School District; Borrego Art Institute, Anza-Borrego Foundation, Anza-Borrego Desert Natural History Association; Borrego Modern; Borrego Springs Chamber of Commerce & Visitors Bureau; Borrego Village Association; Tubb Canyon Desert Conservancy; Borrego Outfitters; Borrego Springs Homeowners Association; de Anza Country Club; La Casa del Zorro; and The Springs at Borrego RV Resort. These organizations comprise virtually all the major NGOs and businesses in town. (http://www.borregovalleystewardshipcouncil.org/home.html)

The BVSC wishes to thank you, and the BVGSA Core Team and Dudek for tremendous efforts in producing such a substantial Draft GSP. A remarkably wide breadth of skills and types of work were required. As the Stewardship Council representative to the GSA Advisory Committee, I attended many meetings and witnessed the dedicated, on-going efforts put forth.

O13-1

II. Background of Intent: SGMA and related water law

SGMA has opened a new era in California water law, with its emphasis on *local* solutions to *local* groundwater basins. The DWR website on SGMA and Groundwater Sustainability Agencies states, "The Sustainable Groundwater Management Act (SGMA) established a new structure for managing California's groundwater resources at the local level by local agencies." (https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainable-Agencies)

The San Diego County SGMA website states. "The intent of the law is to strengthen local groundwater management of basins most critical to the state's water needs with an understanding that groundwater is most effectively managed at the local level. SGMA requires basins to be sustainably managed by local public agencies (e g , counties, cities, and water agencies) who become groundwater sustainability agencies, or GSAs. The primary purpose of the GSAs is to develop *and implement* [italics added] a Groundwater Sustainability Plan (GSP) to achieve long-term groundwater sustainability." https://www.sandiegocounty.gov/pds/SGMA.html

It is important to note that, just as the Bill of Rights is predicated on the existence of the U.S Constitution, SGMA was written in the context of the long-established and regularly updated and reaffirmed California Water Plan. The Plan underlies all state water legislation and programs, emphasizing four societal goals in addition to the traditional hydrologic goals of state water law:

"Update 2018 organizes the intended outcomes that have been expressed by the water community around four broad categories of public benefits, or "societal values."

2

- **Public Health and Safety** — All Californians are protected from health and safety threats and emergencies.

  Comment: This includes guaranteed access to safe drinking water, as expressed in the Human Right to Water Act, AB 685, ch. 524, 2012 Cal. Stat. 91 (Codified at Cal. Water Code § 106.3 (West 2012). AB685 is "a comprehensive law guaranteeing the right to safe, affordable water without discrimination, prioritizing water for personal and domestic use and delineating the responsibilities of public officials at the state level. AB 685 specifically charges relevant California agencies with fulfillment of the law's mandate by considering the human right to water in policy, programming, and budgetary activities."
  https://www.law.berkeley.edu/files/Water_Report_2013_Interactive_FINAL(1).pdf]

- **Healthy Economy** — A strong, diverse economy provides satisfying ways of life and well-being, as well as opportunities for economic prosperity, for all Californians.

  Comment. The economy of Borrego Springs is totally dependent on its groundwater aquifer. Beneficial users in Borrego Springs include not only its 3500 residents (who pay over $300,000,000 to the County in property taxes each year), but also visitors – numbering in the hundreds of thousands annually – to the town and to the Anza-Borrego Desert State Park. If water becomes so unaffordable to municipal water users (residents and businesses) that the Borrego Water District cannot be sustained, then both residents and the Park – an important State resource – are irreparably damaged.

- **Ecosystem Vitality** — Ecological functions and processes that sustain ecosystems and fish and wildlife habitat are maintained and improved.
- **Opportunities for Enriching Experiences** — All Californians have opportunities for cultural, spiritual, recreational, and aesthetic experiences."

O13-1 Cont.

III. Stewardship Council comments on the Draft GSP

A. The underlying assumptions of the Draft GSP are more reflective of the long-time California tradition of conflating property rights with water rights, and regarding water as a privately-held resource free to its owners. Water is now recognized as a public common-pool resource, and the right to potable water is a basic human right in California Moreover, the Draft GSP breaks the tenet of local control Its hard line on across-the-board proportional reductions to pumping allocations comes not from any one sector of the local Borrego stakeholder ecosystem, but is instead being driven by Sacramento-based large agricultural interests funding attorneys to assist them in resisting change AS shown above, SGMA says that decisions should be derived locally, so as not to perpetuate the inequitable water interests that have made California the last state in the nation to adopt integrated watershed management planning. Borrego Springs should not be held hostage to the interests of state-level big agriculture.

O13-2

B. Collaborative governance and transparency are also tenets in SGMA; the law makes clear that the relevant County is an important part of the local control it encourages. It's hard to see how, after accepting a special grant given to Borrego because it is an SDAC, the GSP can both ignore SDACs in its contents and its intentions The County, including its trong property-rights advocates, would be better served to be at the table than ceding control to the state Water Boards

O13-3

C. The Stewardship Council would also like to reiterate its 2016 letter to the county in which it encouraged fully embracing the GSP process; particularly around inclusion, equity, and transparency. Including SDAC communities and Tribes/native Americans, equity in water allocation, land use and economic development. Transparency in water transfers and land use decisions is required

O13-3 Cont.

Sincerely,

Diane E. Johnson

Letter O13

Commenter: Diane Johnson, Borrego Valley Stewardship Council
Date: May 21, 2019

O13-1: The Groundwater Sustainability Agency (GSA) acknowledges the commenter's assertion that Sustainable Groundwater Management Act (SGMA) was developed in the context of the long-established California Water Plan. It should be noted that the Groundwater Sustainability Plan (GSP) was developed in compliance with the SGMA of 2014 (California Water Code Section 10720–10737.8, et al.) and the Department of Water Resources (DWR) GSP Regulations (California Code of Regulations, Title 23, Section 350 et seq.). Appendix A of the GSP includes the Preparation Checklist for GSP Submittal, which identifies where in the GSP each of the statutory requirements of SGMA are addressed.

OS13-2: The commenter alleges the Draft GSP breaks the tenet of local control and is in objection to proportional reductions.

In response, the GSP does not set specific groundwater use reductions. The GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the basin pumpers is a possible scenario where groundwater use reductions could be developed.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

O13-3: The GSA acknowledges the commenter's assertion that the County should be at the table rather than the State Water Board. The GSA further recognizes the commenter's concern regarding ignoring the Severely Disadvantaged Community (SDAC). In response, the GSA sought grant funding to prepare the GSP and identify vulnerabilities and potential impacts from the GSP process on SDAC-related issues (e.g., water supply, cost, and infrastructure concerns). Besides defraying costs for the community, the work conducted for the grant will provide insight for Borrego Water District's (BWD's) future decision-making efforts, both of which are beneficial to the SDAC. The GSA intends to continue to pursue future grant opportunities for the benefit of the SDAC and the entire Borrego Springs community.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

Comment Letter O14

May 15, 2019

County of San Diego,
Attn Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Jim

As you already know, Borrego Water District retained the services of Environmental Navigation Services, Inc. (ENSI) to provide a variety of studies related to the implementation of the Groundwater Sustainability Plan (GSP) for the Borrego Springs Subbasin (Basin) of the Borrego Valley Groundwater Basin and its possible impacts upon BWD infrastructure and the Borrego Springs Economy. All of the Reports have now been completed and BWD is submitting them to The County and become part of the public record for the comment period of this Basin's GSP.

O14-1

Sincerely

Kathy Dice, President
Board of Directors

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Letter O14

Commenter: Kathy Dice, President, Borrego Water District
Date: May 15, 2019

OS14-1: The Groundwater Sustainability Agency (GSA) has added the Environmental Navigation Services Inc. studies provided by Borrego Water District to the public record. The letter does not address the adequacy of the Draft Groundwater Sustainability Plan (GSP), and therefore, no further response is required or necessary.

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Comment Letter O15

P. O. Box 2714, Borrego Springs, CA 92004
Phone: 760-767-9919

BVEF
BORREGO VALLEY
ENDOWMENT FUND

May 21, 2019

County of San Diego
Planning & Development Services
C/O: Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Re: Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Mr. Bennett,

Since its inception, the mission of the Borrego Valley Endowment Fund has been inextricably linked to the health and well being of the residents of the Borrego Valley. In fulfillment of its mission The Fund has supported efforts to improve healthcare delivery, to ensure sustainable water supply, and to promote clean air.

We are writing today regarding our concerns about clean air in the Borrego Valley. **We note that Section 5 of the Groundwater Sustainability Plan contains no costs associated with Air Quality Monitoring, which we believe is a significant deficit of this draft of the GSP.**

O15-1

Attaining the goals of the GSP will necessitate the fallowing of thousands of acres of agricultural land, and fallowed agricultural lands have the potential to significantly and adversely impact the Air Quality of the Valley through increased air pollution. For the past three years The Fund, in partnership with the University of California, Irvine and the Borrego Water District, has supported Air Quality monitoring in the Borrego Valley, with particular attention to particles measuring 2.5 um and 10 um.

BVEF
BORREGO VALLEY
ENDOWMENT FUND
May 21, 2019

Page 2

Air pollution poses a great environmental risk to health. Outdoor fine particulate matter (particulate matter with a diameter <2.5 μm) exposure is the fifth leading risk factor for death in the world, accounting for 4.2 million deaths and > 103 million disability-adjusted life years lost according to the Global Burden of Disease Report.

Air pollution can harm acutely, usually manifested by respiratory or cardiac symptoms; as well as chronically, potentially affecting every organ in the body. It can cause, complicate, or exacerbate many adverse health conditions. Tissue damage may result directly from pollutant toxicity because fine and ultrafine particles can gain access to organs, or indirectly through systemic inflammatory processes. Harmful effects occur on a continuum of dosage and even at levels below air quality standards previously considered to be safe.

The issue of Air Quality is of particular concern for the Borrego Valley given our demographic shift toward older age groups and the greater susceptibility to air pollution of those older groups.

Thus, we are writing to suggest that the costs associated with Air Quality monitoring be included in the GSP. We believe Air Quality monitoring will be an essential tool for compliance with the California Environmental Quality Act as the GSP is implemented and agricultural lands are fallowed.

O15-1
Cont.

Thank you,

Bob Kelly
President, BVEF

Trustees:
Marshal Brecht Andrew Chedrick David Garmon Susan Gilliland Bruce Kelley Robert Kelly
Bill Lawrence David Leibert Caroline Manildi Sylvana Meeks Lorry Seagrim

A Non-Profit Corporation Fed. ID #33-0611010

Letter O15

Commenter: Bob Kelly, President, Borrego Valley Endowment Fund
Date: May 21, 2019

O15-1 The Groundwater Sustainability Agency (GSA) appreciates your comments on the Draft Groundwater Sustainability Plan (GSP) and commends your mission to support efforts to improve healthcare delivery, to ensure sustainable water supply, and to promote clean air. The GSA notes your comment that Section 5 of the Draft GSP contains no costs associated with air quality monitoring, which you believe is a significant deficit of the Draft GSP. The GSA also note your comment that attaining the goals of the GSP will necessitate the fallowing of thousands of acres of agricultural land, and fallowed agricultural lands have the potential to significantly and adversely impact the air quality of the Borrego Valley through increased air pollution. In addition, the GSA acknowledges your partnership with the University of California, Irvine (UCI), and the Borrego Water District (BWD) to support ongoing meteorology and particulate matter monitoring with particular attention to particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) and monitoring for particulate matter with a diameter of 2.5 microns or less ($PM_{2.5}$). The GSA acknowledges your request that the costs associated with air quality monitoring be included in the GSP.

The GSA notes that UCI implemented a research study to evaluate, model and attribute particulate matter air quality in Borrego Springs, California. The three year program evaluated current and historical air quality trends, developed and calibrated a particulate matter air quality model of the region and is in the process of attributing likely air quality sources of degradation (UCI 2017, 2018). Data for this research was provided from the installation and monitoring of five new weather stations in Borrego Springs by real-time continuous airborne particle nephelometers. Nephelometers measure the visual quality of local ambient air by measuring the scattering of light due to particles in continuous air samples. Nephelometers do not make direct measurements of mass but instead measure secondary properties of particles from which the mass must be inferred to compare to regulatory particulate matter requirements. Light scattering technologies must be calibrated against the Environmental Protection Agency (EPA's) Federal Reference Method. UCI's weather stations are primarily for scientific research and are not intended to meet regulatory mass-balance stations requirements used to determine compliance with federal EPA National Ambient Air Quality Standards or state ambient air quality standards. Additional information regarding particulate matter monitoring requirements is

available from the California Air Recourses Board at: https://www.arb.ca.gov/aaqm/partic.htm.

The GSP includes Project and Management Action No. 4 – Voluntary Fallowing of Agricultural Land. As indicated in the GSP, the GSA will prepare policy development and the California Environmental Quality Act (CEQA) documentation after GSP adoption in advance of considering formal adoption and implementation of a voluntary fallowing program.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

Comment Letter C1

Borrego Springs Community Sponsor Group
Comments on the Draft Groundwater Sustainability Plan (GSP)
Borrego Valley Groundwater Basin

1 The Borrego Springs Community Sponsor Group (BSCSG) would prefer no reductions in water use for the municipal sector. Proportional reductions are a major concession to non-municipal sectors. BWD's Baseline Pumping Allocation (BPA) should remain at 2461 af/yr as proposed to the Advisory Committee or at the full 2700 or so af/yr that was the highest single year water use for the municipal sector in 2010, and not be reduced further in addition to the concession of proportional reductions. Proportional reductions are only acceptable as long as the amount of water used under Human Right to Water provisions of state law is not subject to reductions for municipal users under the GSP. If other sectors do not agree to sign the GSP, BWD should fully assert its interest and seek current water use and water for the future with no reductions C1-1

2. Water reductions should be front-loaded (using a fixed percentage of the Baseline Pumping Allocations to calculate yearly reductions rather than a fixed volume of water as is currently indicated in the GSP) so that higher reductions in water use occur early. This will save significantly more of the water in our aquifer than the current reduction method will, and safeguards against water quality and water management issues that will be too late to adequately address if they occur later in the reduction period after the aquifer has been dewatered more significantly. Changing methods for calculating mandatory water reductions saves as much aquifer water as shortening the reduction period to from 20 years to 15 years using the current method. C1-2

3 The Sponsor Group supports the mandatory metering program as detailed in Appendix E of the draft GSP and its immediate implementation upon GSP approval, and would like the GSP to describe that program, not as an "approach" in the section on the mandatory metering program, GSP p 3-36, second full paragraph, but rather as a requirement that is detailed in Appendix E, so that the mandatory requirements are emphasized in all parts of the GSP. Similarly, p. ES-5, PMA #3, last sentence, should affirmatively read that Mandatory water metering ."will" take place rather than "is proposed to take place following adoption of this GSP." C1-3

4. Water quality is an essential concern Better data must fill the data gaps for water quality in the North Management Area. New monitoring wells for water quality that are not quite yet in place, and additional wells now in the process of being C1-4

secured for water quality monitoring, won't yield usable initial data once installed for about three years (and then it will show the beginning of a likely trend). The Sponsor Group would like the GSP to explicitely specify that the governing body that implements the GSP has the authority to impose mandatory water quality monitoring of any major wells in the subbasin, including any agricultural wells, so that any needed comprehensive data is made available. The GSP should also address who will pay for addressing water quality issues that arise in agricultural areas, including under a water trading program. C1-4 Cont. C1-5

5. The GSP should list Ratepayers and the Sponsor Group as stakeholders in the discussions and crafting of a Water Trading Program because what happens to pumped water in Borrego Springs is a matter of public concern about a public resource, and also because of land use impacts of such a program. C1-6

6. There should be consideration in the GSP for our SDAC (Severely Disadvantaged Community) status: cost impacts that can affect water rates must be considered. C1-7

Borrego Springs Community Sponsor Group
Approved for Submission at the May 2, 2019 BSCSG Meeting

Rebecca Falk

Rebecca Falk, Chair, BSCSG

RTC.4 COMMUNITY GROUPS

Letter C1

Commenter: Rebecca Falk, Chair, Borrego Springs Community Sponsor Group
Date: Undated.

C1-1 The Groundwater Sustainability Agency (GSA) acknowledges the Borrego Springs Sponsor Group's opposition to any groundwater use reductions for the municipal sector. While the Groundwater Sustainability Plan (GSP) does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers or GSA adoption of an interim ramp down schedule are two possible scenarios where pumping reductions could start prior to CEQA review completion.

The portion of this comment regarding future groundwater reductions does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

The GSA acknowledges the Borrego Springs Sponsor Group's request for Borrego Water District (BWD) baseline pumping allocation to be increased to approximately 2,700 acre-feet per year or remain at 2,461 acre-feet per year. The GSP has been revised to reflect 2,731 acre-feet per year as the baseline pumping allocation for BWD. This has been revised up from 2,122 acre-feet per year to include water that was provided in 2010 by BWD to the Rams Hill Golf Course.

C1-2 The GSA acknowledges the Borrego Springs Sponsor Group's request to front load groundwater reductions. While the GSP does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare CEQA documentation (after GSP adoption) in advance of considering formal adoption and implementation of a specific ramp down schedule. The GSP also indicates an agreement among the pumpers or GSA adoption of an interim ramp down schedule are two possible scenarios where pumping reductions could start prior to CEQA review completion.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

C1-3 The comment suggests that the language within the body of the Draft GSP regarding Mandatory Water Metering should be strengthened to ensure that the provisions specified in Appendix E are in fact mandatory. Revisions have been made to page 3-39 to clarify that the details within Appendix E are mandatory requirements. Page ES-5 has also been clarified that mandatory metering "will" take place following adoption of the GSP.

C1-4 The GSA acknowledges the Borrego Springs Sponsor Group's request to explicitly state within the GSP specific authorities the governing body will have upon adoption of the GSP to impose mandatory water quality monitoring on any wells in the subbasin. The GSP indicates that the GSA continues to work with private landowners to expand the monitoring network.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

C1-5 When and if water quality becomes a concern that may require mitigation within any portion of the Subbasin, the GSA may consider implementing Project and Management Actions No. 4 – Water Quality Optimization and/or No. 5 – Intra-Subbasin Water Transfers Program. Funding sources for the Project and Management Actions (PMAs) will be considered by the GSA prior to implementation.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

C1-6 The GSA acknowledges the Borrego Springs Sponsor Group's request to add the Sponsor Group and Ratepayers to the GSP as stakeholders for development of the Water Trading Program. The GSP outlines the anticipated development approach of the Water Trading Program by the GSA to identify stakeholders/participants and conduct interviews and meetings to receive input and identify concerns to be addressed in program development.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

C1-7 The GSA acknowledges the Severely Disadvantaged Community (SDAC) status of Borrego Springs. The GSA will take this comment into consideration when considering imposing fees to fund GSP implementation.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

Comment Letter I1

From: Janet Johnson <fishandwhistle65@gmail.com>
Sent: Saturday, May 18, 2019 9 37 PM
To. LUEG, GroundWater, PDS
Subject: Proposed Borrego Valley Groundwater Sustainability Plan

Mr. Jim Bennett·

My husband and I have a home at the Borrego Air Ranch. I appreciate the efforts involved in creating a sustainable plan for water in the future of the Borrego Valley and certainly think it is an important issue to tackle. However, I would like to share our thoughts on the fairness of the proposed plan

First, it seems like those who use proportionally little of the water in the valley are being asked to decrease water usage by the same amount as the higher users who have had a bigger role in the progressive depletion of the aquifer. If the agricultural interests have used 70% of the water in the past, they should reduce their water usage by a higher percentage than residences which have had a much lighter role in decreasing the water table If golf courses have used 18% of the water in the past, they should also reduce their water usage more than residences, perhaps making a bigger use of grey water to maintain the course. Requiring a 75% water reduction across all segments of the community will do a great harm to the community and hurts those most who have not had the biggest role in depleting the aquifer.

Secondly, The Borrego Air Ranch has its own two wells, which have been drawn from a water table that has not been decreasing The BAR water levels have been stable for more than 50 years. Having the 75% water reduction over the next 20 years will not affect the rest of the Borrego Valley aquifer. The BAR residents are already very careful with their water in order to maintain this stability. Forced reduction in water usage would have a very negative effect on the air ranch community, would affect health and safety, and would of course decrease property values (as it would in other residential areas of Borrego.)

I1-1

While applauding that there is a tentative plan, we would urge you to make the mandatory reduction for residents a lower percentage and if possible, to leave the Borrego Air Ranch out of the mandatory requirements. The Borrego Valley is a wonderful place with many exciting, progressive things going on We hope this unfair water reduction plan will not bring this to an end.

Sincerely,

Mary Janet Johnson

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RTC.5 INDIVIDUALS

Letter I1

Commenter: Janet Johnson (Air Ranch Community Member)
Date: May 18, 2019

I1-1 The Groundwater Sustainability Agency (GSA) acknowledges your proposed approach of non-proportional cutbacks of water use for beneficial users of groundwater in the Borrego Springs Subbasin. It should be emphasized that, the GSP would not necessarily result in any reduction of physical water use by the Borrego Air Ranch. Rather the Air Ranch would be assigned a baseline pumping allocation (BPA) that would ramp down over the 20 year implementation period.

The BPA assigned to the Air Ranch is 12 acre-feet per year (AFY) based on previous estimates of water use for the Air Ranch by the U.S. Geological Surey (USGS 2015). No pumping data was provided by the Air Ranch to the GSA to document historical use. If the Air Ranch uses water in excess of their BPA in any given year, a water trading program, once implemented, would allow air ranch to acquire additional BPA from other users in the Subbasin. The GSP approach allows for continued use of groundwater by the Air Ranch for existing and planned future beneficial use.

As shown in GSP Figure 2.2-13F, the groundwater level contours in the vicinity of air ranch suggests that average groundwater levels have decreased by 1 to 1.5 feet over the past 8 years. The depth to water in a well on Air Ranch (SWID No. 011S007E30L001S) was measured in Fall 2016 to be 85.1 feet bgs and measured in Spring 2019 to be 88.5 feet bgs. Again, there is no forced physical reduction of Air Ranch water use. While the BPA ramps down over time, the Air Ranch can either implement conservation and acquire BPA once a water trading program is implemented to maintain existing beneficial water use or even increase water use provided sufficient BPA is obtained from users who have either fallowed land or reduced water use.

For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I2

From: Bill Carpenter <billbar7@gmail.com>
Sent: Friday, April 26, 2019 7:38 AM
To: LUEG, GroundWater, PDS
Cc: Bill Carpenter
Subject: Borrego Valley Groundwater Sustainability Plan (GSP)

County of San Diego Planning & Development Services
c/o: Jim Bennett
PDS.LUEGGroundWater@sdcounty.ca.gov
5510 Overland Ave Suite 310
San Diego CA 92123

Mr. Jim Bennet,
The Borrego Air Ranch is a residential airport community located in the southern management area of the Borrego Springs Subbasin The Air Ranch has been in existence since 1945, the subdivision map was created in 1948 There are currently 24 residential units in the community. It has been classified as 'Other' in the Groundwater Sustainability Plan (GSP). A Baseline Pumping Allocation (BPA) of 12 acre-feet per year has been assigned to the community. It appears the Air Ranch will be required to cut back its usage of water by 75% over the period covered by the Plan That would result in an allocation of 3 acre-feet per year to be shared by 24 residences or 0 125 acre-feet per residence per year. This would essentially result in the closing of the community and the Air Ranch Airport.

The Air Ranchers have always been good stewards of water usage. The Air Ranchers do not maintain any common property which requires water. There is minimal use of non-native vegetation and external watering has been kept to an absolute minimum at the individual residences. The community elected to be served by a single community owned and operated water system rather than drilling and maintaining individual wells. It should be noted that if the community had elected to source their water by individual wells, they would not be subject to any cutbacks under the GSP Their well usage would be well under 2 acre-feet per year per residence; they would be classified as de minimus users

The Air Ranchers have been assigned a BPA of 0.5 acre-feet per year per residence. Air Ranchers are able to live within the BPA. They will, however, not be able to survive cuts of 75% to the Air Ranch BPA. It will likely result in the elimination of a community with a long established tradition of living and working with a minimal usage of water in a desert community. The Air Ranchers wish to continue this tradition and should be exempted from cutbacks to their BPA. Such an exemption will have almost no impact on the goals of the Borrego Valley GSP. Cutting back the Air Ranch allocation from 12 to 3 acre-feet per year will have very little impact on achieving the Borrego Springs Subbasin goal of 5700 acre-feet per year of water usage but it would almost certainly result in the elimination of this unique community. The Air Ranch should be exempted from cutbacks to their assigned BPA.

I2-1

Willard (Bill) Carpenter & family
Borrego Air Ranch (full time resident)

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Letter I2

Commenter: Bill Carpenter (Air Ranch Community Member)
Date: April 26, 2019

I2-1 We appreciate your concern that the Air Ranch would be required to reduce water use from a baseline pumping allocation (BPA) of 12 acre-feet per year (AFY) that ramps down to approximately 3 AFY assuming a 75% reduction over a 20-year implementation period; however an actual physical reduction in water use is not required to be shared by the 24 residents of the Air Ranch. The Air Ranch can secure additional BPA via the water trading program, once implemented, from other users in the Subbasin to maintain water use or even increase water use.

It is noted that if residents of the Air Ranch had individual domestic wells that they would be considered de minimis users. It is also noted that the Air Ranch is a State Small Water System No. and similar to other retail water users such as the Borrego Water District (BWD) have not been assigned a per-dwelling allocation. Implementation of the Groundwater Sustainability Plan (GSP) requires participation and stewardship by all beneficial users of groundwater to ensure a sustainable future for Borrego Springs. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I3

From: Lee Grismer <lgrismer@lasierra.edu>
Sent: Monday, May 20, 2019 11:40 AM
To: LUEG, GroundWater, PDS

Dear Mr. Bennett,

I would like to add my voice to the growing concerns surrounding the Borrego Valley Groundwater Basin Sustainability Plan (GSP). Rather than contribute to the already well-articulated and logistically infallible arguments of my neighbors at the Borrego Air Ranch, I would like to address these issues from a completely different perspective. I am a professor of Biology and the Director of Research in the Biology Department of La Sierra University in Riverside and I have been a property owner at the Air Ranch since 1986. Although I applaud the conservation premise of the GSP, I believe it is short-sighted from an ecological perspective as those who drafted the plan were unaware of other activities that take place at the Air Ranch. We at the Air Ranch have always been a small, ecologically minded community and conscientious stewards of OUR water. My residence also serves as a non-profit research retreat and training centered for ecologist and their students from around the world. Myself and my son, Dr. Jesse Grismer—also a biologist—regularly host training and research workshops on various aspects of conservation—one of which involves water conservation. To date, we have hosted professors and their students from all over the United States as well as from Cambodia, Vietnam, Malaysia, and México. These scientists take what they learn from the workshops and from the habitat surrounding the Air Ranch back to their home countries and incorporate these data into their classroom curricula and research labs. The point here being that the Borrego Air Ranch has a tangible international impact on conservation efforts in other countries. Locally, I have students doing non-take recapture population studies on some of the species of reptiles that are Red-Listed by the International Union for Conservation of Nature (IUCN) that occur on the Air Ranch. Additionally, I have been using my residence at the Air Ranch as a base station to support my field research on the amphibians and reptiles of Anza-Borrego since 1986. Asking Air Ranch residents to cut their water usage by 75% would completely deconstruct the utility of my property as a base station, research retreat, and intermittent residence. I3-1

Mr. Bennett, ultimately the larger issue here I believe is the far-reaching impact the Air Ranch has on conservation overall—not just one of its subcategories of water management. I sincerely hope that a broader, more agnostic view of international conservation and the realization of the role the Borrego Air Ranch bears on this issue will work its way into the decision-making process. If conservation is truly the end game here, then shutting down the Borrego Air Ranch would be analogous to trying to build a new build while simultaneously putting a moratorium on nails.

I would be happy to meet with you any time at your convenience if you have any or concerns or issues you would like to discuss.

Sincerely,
L. Lee Grismer, Ph.D.
Professor of Biology and Director of Research
Department of Biology
La Sierra University

L. Lee Grismer, Ph D.
Director of Research
Department of Biology
La Sierra University
4500 Riverwalk Parkway
Riverside, CA 92515-8247, USA
Tel 951-785-2345

"A risk free world is a very dull world, one from which we are apt to learn little of consequence." - Geerat Vermeij

"If people are good only because they fear punishment, and hope for reward, then we are a sorry lot indeed." - Albert Einstein

Letter I3

Commenter: Lee Grismer (Air Ranch Community Member)
Date: May 20, 2019

I3-1 The Groundwater Sustainability Agency (GSA) appreciates your information relating to population studies on some of the species of reptiles that are Red-Listed by the International Union for Conservation of Nature (IUCN) that occur on the Air Ranch. We hope that you can share some of your research with the GSA to determine whether areas in the vicinity of the Air Ranch or greater Subbasin are suitable for habitat conservation as part of developing Groundwater Sustainability Plan (GSP) projects and Management Actions. See above responses to comments concerning future water availability to the Air Ranch. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I4

From: John Geyer <John@jgeyerplumbing com>
Sent: Tuesday, May 21, 2019 8 01 AM
To: LUEG, GroundWater, PDS
Subject: Borrego Valley Groundwater Sustainability Plan Comments

County of San Diego Planning & Development Services
c/o: Jim Bennett

I am the owner of a vacant lot at the Borrego Air Ranch The lot was purchased 40 years ago with the plan to build when I retire The Borrego Valley Groundwater Sustainability Plan(GPS) would make my parcel unbuildable
The Air Ranch water table has been steady for the last 40 years and is not impacting the northern basin. Please exclude us from the GPS

I4-1

Regards
John Geyer
619 820.8537

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Letter I4

Commenter: John Geyer (Air Ranch Community Members)
Date: May 21, 2019

I4-1 The Groundwater Sustainability Agency (GSA) appreciates your concern regarding the ability to develop your vacant subdivided parcel at the Air Ranch. As discussed in the master response on the Baseline Pumping Allocation and Pumping Reduction Program, water can be obtained via a water trading program, once implemented, to develop your property. Also, as described in response to Comment Letter I1, groundwater levels in the vicinity of the Air Ranch have declined over the last 10 years. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I5

From: Eric Nessa <ericnessa8@aol.com>
Sent: Saturday, May 04, 2019 8:28 PM
To: LUEG, GroundWater, PDS
Subject: GSP Comment

I am a home owner at the Borrego Air Ranch (BAR) I have reviewed the proposed GSP and personally believe that it treats me and the other residents of the BAR unfairly The BAR has been a good steward of the water under our immediate area for over 60 years The residents have been educated in efficient use of household water, and in the efficient use of landscape irrigation The proposed GSP requires all non-de-minimis pumping sectors to make exactly the same percentage of reductions from their Base Allocation I object to the proposed GSP because the reduction is equally applied to all sectors despite facts that contradict GSP's shotgun approach logic.

The GSP's stated mandate is to bring the aquifer into sustainable equilibrium. That is exactly what the Borrego Air Ranch has done with the aquifer under our feet It has been for years, and is in equilibrium today!!

The Borrego Air Ranch has long history of conservative water use, which is demonstrated by the fact that our water levels are stable and have not gone down over the past 60 years The BAR should not be punished by being forced to make the same reductions as a other sector pumpers that have depleted the aquifer under their wells. It is the Borrego valley agriculture industry that has squandered the water under their feet over the past 60 years It is the Ag Sector that has drawn the water table down 126 feet in their area It is the Ag Sector who has placed the entire Borrego community at risk. It is the Ag Sector who should have to reduce their usage by whatever percentage required, or stop pumping until the aquifer in their area is in equilibrium To hold the BAR to the same reductions as Ag or other over users is not logical, it is not equitable, it is not fair The BAR should get a Medal of Merit for keeping our aquifer in sustainable equilibrium!!!

I5-1

Thus, I as a resident, respectfully request that the Borrego Air Ranch be exempted from the proposed GSP

Respectfully submitted,

Eric Nessa

2727 Borrego Air Ranch Rd

Borrego Springs CA 92004

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Letter I5

Commenter: Eric Nessa (Air Ranch Community Member)
Date: May 4, 2019

I5-1 We acknowledge your concern regarding the baseline pumping allocation (BPA) rampdown for the Air Ranch. The Groundwater Sustainability Plan (GSP) includes participation by all beneficial users of groundwater in the Subbasin to ensure stewardship of water resources. As described above, groundwater levels in the vicinity of the Air Ranch have been declining over the past several years. Stewardship requires continued metering, monitoring and management of the entire Subbasin. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I6

From: Carlsbad Raceway Office <carlsbadraceway@verizon.net>
Sent: Tuesday, May 21, 2019 11 06 AM
To: LUEG, GroundWater, PDS
Subject: Borrego Valley Groundwater Sustainability Plan (GSP)

Dear Mr. Bennett,

Our family owns two lots on the Air Ranch plus a residence I also own 5 acres on the north end of the Air Ranch and 5 hangars

In agreement with the other objection letters submitted from Borrego Air Ranch residents, including letters from my two sons, in my opinion the idea of limiting residential water that won't use as much in a year as one golf course does in a month is not only disagreeable but ridiculous We have owned property there since 1986 bought directly from Mr Fletcher and to this point had no interest in selling it The proposed GSP will have severe impact on property values Don't like much getting into politics but sometimes it's necessary

I6-1

In closing I disagree and will do all I can to work against what you are trying to do to the Air Ranch.

Larry Grismer
Borrego Air Ranch

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Letter I6

Commenter: Larry Grismer (Air Ranch Community Member)
Date: May 21, 2019

I6-1 The Groundwater Sustainability Plan (GSP) secures water resources for responsible and sustainable development of the Borrego Springs community. The GSP provides the framework for securing water via a water trading program, once implemented for your properties. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I7

May 4th, 2019

To County of San Diego Planning & Development Services
c/o: Jim Bennett
PDS LUEGGroundWater@sdcounty ca gov
Subject. Comment to the Borrego Valley Groundwater Sustainability Plan (GSP)

Dear Mr Jim Bennett,

I am writing you in response to an opportunity to comment on the Borrego Valley Groundwater Sustainability Plan.

I believe the goal of any plan is to enhance awareness and take care of the environment while taking care of our responsibility to our water supply I bought my property at the Air Ranch back in the 70's My goal has always been to have a small retirement home which also houses my airplane Everyone at the ranch prides themselves on taking care of the environment and being very frugal with water consumption. We all want to be good stewards of our dessert and continue to live at The Borrego Air Ranch. The plan currently does not include our small community as a de minimis user given by the general reference to acreage in the GSP We respectively request that since we are a de minimis user, the acre feet definition not be the only way in addressing communities such as ours and language be added to allowing those who have a de minimis effect on the aquifer be included regardless if they meet the acre feet definition. I7-1

If this change to the plan does not occur, we will lose our community and retirement plan We can't imagine your organization wanting to eliminate our community Please hear our voice and make the critical change to the GSP

Respectfully submitted,

Linda Goodrich

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Letter I7

Commenter: Linda Goodrich (Air Ranch Community Member)
Date: May 4, 2019

I7-1 De minimis is defined by Sustainable Groundwater Management Act (SGMA) as water use less than 2 acre-feet per year (AFY). The Air Ranch is estimated to currently use approximately 12 AFY and is not considered a de minimis user. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I8

From: Pat Hall <path@tokd com>
Sent: Sunday, Apnl 28, 2019 4 30 PM
To: LUEG, GroundWater, PDS
Subject: RE. Borrego Valley Groundwater Sustainabilty Plan
Attachments: Borrego Valley Water Basin pdf

County of San Diego Planning & Development Services

c/o: Jim Bennett

I am the owner of a home located at Borrego Air Ranch, 2756 Airstrip Borrego CA, 92004. The owner's association has had much discussion about the Borrego Valley Groundwater Sustainability Plan(GPS) and I would like to get my comments and thoughts on the record.

There are several issues that are on all our minds however, there are two major ones I wish to address in this email. First is the fact that the Air Ranch water levels have remained stable for the entire time we have been monitoring them, which is more than half a century. The other issue is that we are already a very efficient community from a water conservation standpoint.

I8-1

As to my first point regarding our stable water levels in our water wells, I will quote one of the knowledgeable resources on the valley's water issues, John Peterson, "Water levels don't lie". His comments maintain that the water levels in the Northern Borrego Basin are being impacted by over usage, which has resulted in dramatic overdraft and therefore the change in water well depths. However, if you look at all the facts, the Borrego Air Ranch, which you can see by the attached diagram, is located downstream from the Northern Borrego basin as well as the Borrego sink. Therefore, any change in our usage will not impact water levels upstream. This is evidenced by the fact that our water levels have remained stable while the Northern Borrego basin continues to be depleted. If there

I8-2

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was an interaction between the Borrego Air Ranch location and the community of Borrego Springs, logic would dictate that we would have seen some change in our water levels over the years It has been stated by a few who have studied this issue that the southern basin has either a different source or is so far removed from the northern basin that it would take hundreds of years for any draw down in the Southern Borrego basin to impact the Northern Borrego basin.

For the record the following is the complete quote from Mr. Peterson: "Water levels don't lie. It is comparable and equivalent to looking at your banking account, and seeing whether or not you've got more money coming out of your account than going in. That's an overdraft and the balance is going down," Peterson said. "We're pumping out a lot more water than is being naturally recharged."

This condition is clearly not the case for the Borrego Air Ranch. Therefore, I request that you not include us in your GSP recovery plan. We are not part of the problem and therefore any change in our current usage will not impact the required solution.

I8-2 Cont.

As to my second point, we are already an efficient community when it comes to water usage. We don't have lush lawns or tree orchards. All the homes have very modest desert landscaping. Therefore, the only way we can cut back our usage further would be to significantly change our lifestyle and personal hygiene. By forcing a cutback to the level that has been suggested, the GPS will make our properties potentially uninhabitable, destroy our community as well as the value of our property.

I8-3

If this plan, as we understand it, is implemented throughout the Borrego Springs area the community will sustain significant damage. A more reasoned approach would be to move the agriculture users to a location that can provide the water they need, and require the recreational users install gray water recycling systems that will allow continued watering of their golf courses. These two actions alone would prevent overdraft of the basin.

I8-4

2

If you move forward with the plan to reduce the usage by all categories equally, this will not only destroy the future growth of Borrego Valley, It will most certainly negatively impact the current economic renewal that Borrego Springs is experiencing. I8-5

Best Regards,

V. PAT HALL

PATH@TOLD.com

DIRECT PHONE (818) 466-0222

DIRECT FAX (818) 466-0232

MOBILE (805) 402-2106

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Letter I8

Commenter: Pat Hall (Air Ranch Community Member)
Date: April 28, 2019

I8-1 The Air Ranch provided no groundwater level, production or water quality data as requested on multiple occasions. As described in response to Comment I1-1, groundwater levels in the vicinity of the Air Ranch have been declining. For additional information on this response, the commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

I8-2 The Groundwater Sustainability Agency (GSA) acknowledges the conservation and stewardship efforts by the Air Ranch

I8-3 As explained in response I11-2, costs will be necessary to obtain additional water via the water trading program, once implemented.

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Comment Letter I9

From:	Mike Hmmench <borrego it@att net>
Sent:	Tuesday, May 21, 2019 12:28 PM
To:	LUEG, GroundWater, PDS
Cc:	Mike Hmmench
Subject:	Borrego Basin Groundwater Sustainability Plan - GSP

County of San Diego Planning & Development Services
C/O: Jim Bennett
5510 Overland Avenue Suite 310
San Diego, CA 92123

Mr Jim Bennett,

I would like to add my review and comments on the proposed Borrego Basin Groundwater Sustainability Plan - GSP

I am a full time, year round resident of the Borrego Valley at the Borrego Air Ranch. My family first visited Borrego Valley in the 1940's and has resided here for the past quarter century.

I attended most of the public planing sessions for the GSP As well as many of its predecessor, the borrego water coalition
This is our first real opportunity to comment on the GSP I don't believe all of the residents, property owners and tax payers were directly contacted via personal letter, phone call or notation on our property tax bills and informed of the plan and their potential impacts

The Borrego Air Ranch is a planned residential airpark community started in 1945 at about the time electric was first brought into Borrego It is one of the oldest residential airpark in the nation

One of the many considerations for moving across the country to the Air Ranch was the availability of water Water is supplied by our long-established-Borrego Air Ranch Mutual Water and Improvement Company Water is Life in the desert. Its' availability and the construction of water infrastructure to all properties in our long planed residential community is the difference between open desert land that is worth about $200 an acre and our land values of up to around $75,000 an acre
Attempts to reduce our already frugal water usage by 75% is would make the current and future homes on the ranch unlivable and uninhabitable. Resulting in a defacto regulatory taking

I9-1

We also have some lots that do not currently have homes constructed on them, the owners have been working hard toward retirement and then building their dream home That will be impossible without the access to water they always believed was secure by purchasing in a planed community with its own private water system

In the published GSP, Appendix D2 Figures 2A and 2B the groundwater flows shown in the USGS Hydrogeology, Hydrologic Effects models - show our water source is separate from the parts of the valley that overdrafts the water in their areas Our groundwater flow runs to the north and west away from us, toward the Borrego sink area

Our water use has no effect on the other areas of Borrego Valley

There is no other source of water for the Air Ranch other than our wells We are outside the Borrego Water District, as such they provide no beneficial use or service to the Air Ranch

1

The Borrego Air Ranch property owners and it's Mutual Water Company have always been a good stewards of it's overlying and beneficial water rights since 1945. Our community water well levels havealways had stable water levels

We will continue to be a good steward as there is no feasible alternativesource of water

I would like consideration of a permanent exclusion to the Borrego Valley GSP in the Borrego Air Ranch and our mutual water company

1 We are outside the Borrego Water District service area, they can not and do not provide a beneficial use or service to us. They are unaccountable to the residents of the Air Ranch as we are not part of their voting district. They provide no representation for us.

2. The USGS hydrological models show we have no effect on the rest of the Borrego Valley Basin

Comments on the full plan

The expense of establishing and maintaining a new multi-million dollar agency in a small ecconmic disadvantaged community to monitor water levels and manage, study and adjust the plan and endlessly sustain it, is prohibitively expensive. Residents will be forced out and leave Borrego The new agency is unaccountable to all residents of Borrego

The ecconmic impacts have not been considered As residents leave costs and taxes on water will continuously and exponentially rise on individual residents Land and property values will fall, wiping out peoples life saving As the schools close, businesses fail Borrego will become a ghost town

Much of the residential use is already tailored to desert living, domestic water usage and evaporative coolers to withstand the desert heat. For most of us further reductions are impractical and impossible

Thank you for you consideration and opportunity to comment.

Mike Himmerich
2765 Borrego Air Ranch
Borrego Springs, CA 92004

I9-1 Cont.

2

Letter I9

Commenter: Mike Himmerich (Air Ranch Community Member)
Date: May 21, 2019

I9-1 The commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

I9-2 The commenter is referred to response to Comment I1-1.

I9-3 Comment noted.

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Comment Letter I10

From: JeffGrismer@FlyingForFilm.com
Sent: Tuesday, May 21, 2019 5:03 PM
To: LUEG, GroundWater, PDS
Subject: Borrego Air Ranch GSP

Mr. Jim Bennett,

My family currently owns and has owned numerous properties at the Air Ranch since 1986 individually and as partners. I agree with the numerous other letters objecting to the Borrego Valley GSP and note that each one offers distinctly different and valid objections to the plan

While it might make me feel good to go on and on expressing my feelings, I'll skip the folderol of emotion and just make a couple points I haven't seen delineated in others' letters

A cursory look at the Air Ranch proves the extremely limited use of water for anything except that required for human existence and exemplifies the lack of productivity to cutting our tiny usage by 75%.

12 x 75 = 9 acre-feet per year saved of the 5700 acre-feet goal. That is 001578 of the goal, roughly one and a half tenths of one percent. .1578% in exchange for destruction the Valley's asset that has existed for 74 years and forcing the abandonment of 24 residences to become public liabilities. I10-1

Here's the two outcomes I foresee:

1. It is impossible for residents of the Air Ranch to survive in the extremes of the Borrego Dessert with a 75% water cut. Everyone will be forced to abandon their homes and relocate to survive. The Air Ranch, a once beautiful asset to the Valley, will become a haunt for vagrants, vandals and the lawless

2. I believe I've researched the pumping numbers accurately enough to generalize a second scenario. Current BPA for the Air Ranch is 12 acre-feet per year. To prevent the inevitable #1. scenario above, all 24 residents will be forced to drill individual wells, each having a BPA of 2 acre-feet per year. This plan thus may result in quadrupling the available usage and becomes counter productive to the GSP's stated goal.

Respectfully,

Jeff Grismer
President, Carlsbad Raceway Corp.

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Letter I10

Commenter: Jeff Grismer (Air Ranch Community Member)
Date: May 21, 2019

I10-1 The Groundwater Sustainability Agency (GSA) appreciates that the Air Ranch represents a small percentage of Subbasin pumping. The GSA implemented the Sustainable Groundwater Management Act (SGMA) definition of de minimis users when determining required participation in the Plan. The GSA may consider requiring even de minimis user to also participate in the Plan in the future. To clarify on the Groundwater Sustainability Plan (GSP), the Air Ranch can acquire additional BPA to maintain or even potentially increase water use. The commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I11

From:	Bill Bancroft <billbancroft@patrol-one.com>
Sent:	Tuesday, April 30, 2019 8:40 AM
To:	LUEG, GroundWater, PDS
Cc:	Bill Carpenter
Subject:	GPS

County of San Diego Planning & Development Services
c/o: Jim Bennett

I am the owner of a home located at 2773 Borrego Air Ranch Rd., Borrego Springs, CA, 92004. Please allow me to add my comments to those of fellow Air Ranch owners in regard to the Borrego Valley Groundwater Sustainability Plan(GPS). I am the current Borrego Air Ranch Water Systems Manager. I've held this position for the past more than ten years.

During my tenure as Water Systems Manager I have measured the water table at our primary well on a weekly basis. The water table has, over that period of time remained at an average depth of 92 feet, never varying other than at brief intervals (30 minutes or less) when the pump is replenishing the storage tank.

I have monitored and documented individual household water consumption and overall system consumption in an effort to find and repair any leaks. I can state, unequivocally, individually and collectively residents have been excellent water stewards during my tenure as Water Systems Manager. Additionally, in my review of historical records, it's clear that current stewardship is reflective of the past performance of our residents. I11-1

My strong conclusions are.

- If included in the GSP the impact of the Borrego Air Ranch would be so deminimus as to be unmeasurable
- However, impact of GSP, as currently planned, on the Borrego Air Ranch would be disastrous in terms of livability and property values

In short, we have "no dog in this fight" and respectfully ask to be excluded from the GSP.

Sincerely,

Bill Bancroft
Borrego Air Ranch
Water Systems Manager
Airport Manager
714.306.6600 (Cell, 24/7/365)

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Letter I11

Commenter: Bill Bancroft (Air Ranch Community Member)
Date: April 30, 2019

I11-1 The Groundwater Sustainability Agency (GSA) appreciates information pertaining to documentation of groundwater levels at the Air Ranch. As described in Comment Letter I1, groundwater levels in the vicinity of the Air Ranch are demonstrated to be declining over the past several years.

I11-2 The commenter's assertion that the Groundwater Sustainability Plan (GSP), as currently planned, on the Borrego Air Ranch would be disastrous in terms of livability and property values is not supported. The GSP indicates an annual fee for GSP implementation of approximately $50 per acre-foot pumped to cover operations and monitoring costs, management, administration and other costs such as reserved. This cost does not include additional potential fees required to implement projects or management actions. Additionally, if the Air Ranch secures additional water via the water trading program, once implemented there would be cost involved with acquisition. The commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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Comment Letter I12

From: Steve & Debbie Riehle <sdriehle@gmail.com>
Sent: Thursday, May 02, 2019 11 17 AM
To: LUEG, GroundWater, PDS
Subject: Borrego Air Ranch: Groundwater Sustainability Plan (GSP)

Good Morning Mr Bennet,

My wife and I own a home located at the Borrego Air Ranch, 4211 Cessna Lane, Borrego Springs CA, 92004 The owner's association has had much discussion about the Borrego Valley Groundwater Sustainability Plan(GSP) and we would like to get our concerns on the record

There are several issues that are on all our minds however, there are two major ones we wish to address in this email First is the fact that the Air Ranch water levels have remained stable for the entire time we have been monitoring them, which is more than half a century. The other issue is that we are already a very efficient community from a water conservation standpoint. I12-1

As to our first point regarding our stable water levels in our water wells, we will quote one of the knowledgeable resources on the valley's water issues, John Peterson, "Water levels don't lie". His comments maintain that the water levels in the Northern Borrego Basin are being impacted by over usage, which has resulted in dramatic overdraft and therefore the change in water well depths However, if you look at all the facts, the Borrego Air Ranch is located downstream from the Northern Borrego basin as well as the Borrego sink. Therefore, any change in our usage will not impact water levels upstream This is evidenced by the fact that our water levels have remained stable while the Northern Borrego basin continues to be depleted If there was an interaction between the Borrego Air Ranch location and the community of Borrego Springs, logic would dictate that we would have seen some change in our water levels over the years It has been stated by a few who have studied this issue that the southern basin has either a different source or is so far removed from the northern basin that it would take hundreds of years for any draw down in the Southern Borrego basin to impact the Northern Borrego basin. I12-2

As to our second point, we are already an efficient community when it comes to water usage We don't have lush lawns or tree orchards All the homes have very modest desert landscaping Therefore, the only way we can cut back our usage further would be to significantly change our lifestyle and personal hygiene By forcing a cutback to the level that has been suggested, the GSP will make our properties potentially uninhabitable, destroy our community as well as the value of our property I12-3

If this plan, as we understand it, is implemented throughout the Borrego Springs area the community will sustain significant damage A more reasoned approach would be to move the agriculture users to a location that can provide the water they need, and require the recreational users install gray water recycling systems that will allow continued watering of their golf courses These two actions alone would prevent overdraft of the basin I12-4

If you move forward with the plan to reduce the usage by all categories equally, this will not only destroy the future growth of Borrego Valley, it will most certainly negatively impact the current economic renewal that Borrego Springs is experiencing I12-5

Thank you for your attention to this most important matter

Steve and Debbie Riehle

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Letter I12

Commenter: Steve and Debbie Riehle (Air Ranch Community Members)
Date: May 2, 2019

I12-1 The commenter is referred to response to Comment I1-1.

I12-2 The Groundwater Sustainability Agency (GSA) acknowledges your request that Air Ranch not be required to managed pursuant to Sustainable Groundwater Management Act (SGMA) due to its location. In response, Air Ranch is located within the South Management Area (SMA) of Department of Water Resources (DWR) defined Borrego Spring Subbasin and subject to the requirements of SGMA.

I12-3 The commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

I12-4 The fallowing of agricultural properties is described in Chapter 4 of the Groundwater Sustainability Plan (GSP). As discussed in GSP Section 2.2.3.8, recycled water use has been studied extensively and is not economical at this time. As documented in the Draft GSP, stormwater retention will be evaluated on a case-by case basis in conjunction with future development in the Subbasin.

I12-5 Securing a reliable and sustainable water supply for Borrego Springs will ensure availability for sustaining the community and future growth.

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Comment Letter I13

To County of San Diego Planning & Development Services
c/o Jim Bennett

PDS LUEGGroundWater@sdcounty ca gov

Subject: Comment to the Borrego Valley Groundwater Sustainability Plan (GSP)

Dear Mr Jim Bennett,

We are owners of a house at the Borrego Air Ranch. We have two concerns The first is that we believe the definition of "*de minimis* user" is too narrow and should be revised. The Borrego Air Ranch should be designated as a *de munimis* user by a text change in the GSP allowing those who have a *de munimis effect* on the aquifer to be included regardless if they meet the acre feet definition

The dictionary definition of *de minimis* is "inconsequential, insignificant, trivial, of minor importance " The proposed GSP uses an acre foot usage definition for *de munimis* to identify those users who have an insignificant, as opposed to a significant, effect on the aquifer. The Borrego Air Ranch's water level has historically been very stable Therefore the effect of our use of water is *de minimis* and insignificant *in fact*, if not as defined by the acre foot test. Given the extraordinary inaccuracies likely in attempting to map out the details of how water flows underground in this great valley, it is overconfident and inaccurate to designate a small user that has had a stable well water level for half a century as non-*de minimis* and lump it in with the agricultural and recreational over drafters who have caused this dilemma. The Borrego Air Ranch is a small community that has not contributed to the overdraft and is not affected by it. We have stable water levels and we really have little effect on the rest of the aquifer and truly are "inconsequential, insignificant, trivial, of minor importance "

A text change could be made to the GSP that excludes any of the four small users that would otherwise be in the "Other" non-*de munimis* category from that category if that user has stable water levels Stable water levels proving this *de minimis effect* should be considered. The acre foot requirement of the *de minimis* category was created to *try to identify a de minimis effect* Stable water levels *show* a *de minimis* effect. A text change could allow a user with a demonstrably *de minimus effect* to be included in the *de minimus* category rather than be excluded by the overly broad acre feet definition. It would seem facts should win out over theory. The Borrego Air Ranch stands apart from the problem in both its stable water level and in physical distance from the overdraft areas.

The Borrego Air Ranch is one of only four users who use very little water and yet are defined as non-*de minimis*. The drafters did not want the four included with the big three categories because they called us "Other " It is evident the drafters of the GSP thought putting the Borrego Air Ranch into the same non-*de minimis* category as the agriculture and recreational industries whose excessive use has placed the entire Borrego community at risk is not logical, equitable or fair But with only an acre foot criteria for *de minimis* use they had tied their own hands But they probably didn't realize that *de minimis effect* could be shown another way than acre feet and probably would have welcomed the idea These comments give us an opportunity to correct that.

I13-1

Our second concern is that reducing the usage to 24% across all users creates serious problems

I13-2

The proposed GSP reduction of everyone's water usage to 24% of their prior use *sounds* reasonable but it would result in massive damage to the domestic water usage community and an unrecognized benefit for the agriculture community Let me explain.

The GSP provides for an equal percentage reduction of use based on prior use The reduction *percentage* is equal but the *impact* greatly favors those who have drained the aquifer and destroys those who have not. Agricultural users of historically massive amounts of water would retain ¼ of their huge use and switch to other profitable uses of their still plentiful allocation Domestic users would retain ¼ of their minimal use and because it would be insufficient to support dwellings their properties would be abandoned and lost to tax sales

The proposed plan would allow the users of the most water who drained the aquifer to still use plenty of water for many useful purposes, including residential homes while the previously minimal users will have no options.

According to the University of Arizona Cooperative Extension mature citrus trees use about 60 inches [5 ft] of water per year That is 5 acre feet per acre of trees
https //**extension.arizona.edu/sites/extension.arizona.edu**/files/pubs/az1151.pdf
After the proposed reduction of 76% you have an allocation of 1.2 acre feet left which is enough to supply domestic water to 3 houses per acre. So as far as water supply available, the farmers can just build and sell up to 3 houses per acre on their hundreds of acres while current house owners will be unable to live here and abandon their houses Essentially current housing could be abandoned as new houses could appear in the agricultural sector The effect would be that the agricultural users who have massively drained the aquifer would be left with the right to most of the water once again and just change their business to building and selling houses, which may be more profitable anyway. It is entirely possible that under this GSP homeowners like those at the Borrego Air Ranch would have to abandon their current homes and buy new houses built by the farmers on their former grapefruit groves since they would still retain enough water allocation. Or the farmers could just switch to growing crops that need less water while the homeowners leave the valley.

I13-2
Cont

We need to view the aquifer as a shared community resource and recognize that users of massive amounts of water should not be left very usable allocations while homeowners are left with insufficient water to survive here. When water is endangered domestic use should take priority over farming Possibly a base minimum but reasonable allocation for all current houses and building lots would be better and then any other reductions necessary could be made against any other properties

As the first community to have a GSP, Borrego Springs will be the template for GSP's for other communities If we do not replace unworkable notions of across the board reductions with a more realistic model allowing for adequate domestic allocations then the damage this GSP causes here will spread to many other communities as unforeseen consequences finally become apparent down the road as allocations are reduced to critical levels over 20 years We have to have the courage to get this one right no matter what

I13-3

Respectfully submitted,

Terry and Pam Rhodes

Letter I13

Commenter: Terry and Pam Rhodes (Air Ranch Community Members)
Date: May 4, 2019

I13-1 De minimis is not defined by the Groundwater Sustainability Plan (GSP). De minimis is defined by Sustainable Groundwater Management Act (SGMA). Under SGMA, the Air Ranch is defined as a non-de minimis user. The GSP uses the SGMA defined definition to determine users that are required to be included in the Plan.

I13-1 The commenter is referred to response to Comment I1-1.

I13-1 The baseline pumping allocation (BPA) is proposed to reduce by 75% over the GSP's 20-year implementation period, however this does not require a physical reduction by Air Ranch. Additional water can be purchased via the water trading program, once developed and implemented. The commenter is referred to the master response on the Baseline Pumping Allocation and Pumping Reduction Program.

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(h) California Native American tribes.

(i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems

(j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.

I14-2 Cont.

The Borrego Water District has commissioned reports from Environmental Navigation Services, Inc (ENSI) that should be reviewed to help address SDAC interests in the Borrego Valley Basin GSP. The report for task 2, dated April 15, 2019, entitled "SDAC Impact/Vulnerability Analysis" and the report for task 3, dated May 13, 2019, entitled "Decision Management Analysis," have important analyses of the factors that will impact our community and will be needed for a consideration of our interests as an SDAC in the GSP.

I14-3

We are a small town, with a few thousand residential and commercial meters to cover any costs that ratepayers must bear for the drafting and implementation of plans to bring our sole-source aquifer into sustainable use. We are likely to have to purchase water from other sectors for municipal needs going forward. The economics of the town will be altered as a result of groundwater management, and that will affect employment, schools, and plans for a viable economy. We will need to make sure that the Borrego Water District remains financially sound to maintain water delivery for the town despite that Borrego Springs is an economically severely disadvantaged community. All of these factors are challenged or put at risk by potential side effects of the plan or plans to reach sustainable water use. The Borrego Valley Basin Groundwater Sustainability Plan has to avoid killing the patient while curing the disease by making sure these risk factors are included and addressed.

I14-4

Sincerely,

Rebecca Falk

Rebecca Falk

Falk Comment Letter, Draft GSP Borrego Valley Basin 2

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Letter I14

Commenter: Rebecca Falk
Date: May 17, 2019

I14-1 The Groundwater Sustainability Agency (GSA) acknowledges the commenter's assertion that the Groundwater Sustainability Plan (GSP) fails to consider Severely Disadvantaged Community (SDAC) interests.

I14-2 The BWD placed into the administrative record the SDAC Impact/Vulnerability Analysis (Task 2 Report) prepared by Environmental Navigation Services Inc., dated April 15, 2019. Besides defraying costs for the community, the report was prepared to understand the implications that the implementation of Sustainable Groundwater Management Act (SGMA) will have on the SDAC population of Borrego Springs. The report describes specific vulnerabilities, including challenges associated with potential loss of seasonal jobs in the agricultural and recreational sectors, funding and access to public schools, and water rate impacts to the lowest income portion of the community. The 20-year SGMA compliance period does provide time for the community to adapt. The potential to use Borrego Water District's (BWD's) tiered rate structure and the GSA's commitment to seeking state funding to support the SDAC are the primary mitigation strategies to address SDAC concerns. GSP Section 2.1.5 has been amended to briefly summarize the results of BWD's Impact/Vulnerability Analysis. The commenter is also referred to response to Letter O12, which addresses how the GSP considers SDAC interests.

I14-3 The GSA acknowledges the commenter's remarks on employment, schools, and economic vitality.

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Comment Letter I15

Comment on the Draft Groundwater Sustainability Plan (GSP)
Borrego Valley Groundwater Basin
May 20, 2019

Regarding integration of a possible negotiated settlement/stipulated agreement among major pumpers and the GSP

Information is hard to come by as current negotiations between attorneys of major pumpers, including the Borrego Water District (BWD), are not transparent to the public, but it seems water rights and more are currently being negotiated.

I and other members of the public sincerely hope that this agreement, if it is reached, will not negate the GSP work done to date but we do not know if the substantive GSP provisions will still be upheld if such an agreement with the pumpers is reached. As an AC representative to the GSA developing the GSP for the basin, I also sincerely hope that there will be a public comment period on such a negotiated agreement before it is submitted to a court for affirmation Will the public have the option to comment on the provisions of such an agreement? Will there be any chance of a change as a result of public comments? Do we know what the process for decisions about this might be?

The intention of this comment letter is to point out that such private negotiations do not conform to the public participation aspects of SGMA, and that in such negotiations, the Borrego Water District is one pumper among others, instead of being acknowledged as the one pumper who represents thousands of residents and visitors, and who is responsible for delivering water that will make the town of Borrego Springs viable into the future One voice for the town of Borrego Springs is not sufficient.

I15-1

The Draft GSP leaves virtually all of the controversial decisions to be made in a future time. When the stakeholder GSP Advisory Committee meetings were occurring, we were advised by the GSA, that is by representatives of San Diego County and the Borrego Water District, that there would be a fully transparent public process to determine the Projects and Management Actions that would govern the parts of the GSP that are mentioned there but were left to be determined in the future, like the water reduction program, fallowing program, and water trading program

Now we understand that key parts of these are being negotiated in private, along with water rights

The GSP can address this. Now that we know that stipulated agreement negotiations are likely going to determine many aspects of the programs mentioned in the draft GSP, as well as water rights, ***the GSP can protect its validity and the intent of SGMA by specifying that the process for drafting the Projects and Management Actions and any agreements that will determine the content of these programs must be conducted in a transparent way with public participation.***

There should be a representative of the town present at negotiations for a stipulated agreement, in addition to BWD, who isn't a representative of either the agriculture, golf or recreation sectors, because that voice for the well-being of the town wouldn't be restrained by the many responsibilities and matters BWD has to juggle in its many-faceted role.

Falk Comment Letter, Draft GSP Borrego Valley Basin, Negotiated Settlement and GSP 1

I request that the GSP include provisions to provide for the above italicized/bolded recommendations. We are all in new territory with the Borrego Valley GSP The future of the town is being decided in great part right now. Public participation and broad stakeholder involvement have to be part of that decision-making process. Isn't that the strong message the legislature sent by passing SGMA, despite any overly cautious legal interpretations that tend to weaken that intent?

I15-1 Cont.

Sincerely,

Rebecca Falk

Rebecca Falk
P O Box 922
Borrego Springs, CA 92004

Letter I15

Commenter: Rebecca Falk
Date: May 20, 2019

I15-1 The commenter suggests language to be included in the Groundwater Sustainability Plan (GSP) to mandate public participation in development of projects and management actions, and that a representative of the community be present at stipulated agreement meetings. Although the stipulated agreement process is a separate process from GSP development, the Groundwater Sustainability Agency (GSA) recognizes the importance of public participation in developing the GSP and a potential stipulated agreement. In response, on July 9, 2019, the Borrego Water District (BWD) held a public meeting in which proposed stipulated agreement terms were made public.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

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Comment Letter I16

Comment on the Draft Groundwater Sustainability Plan (GSP)
Borrego Valley Groundwater Basin
May 20, 2019

I am concerned that the language in the body of the GSP for Mandatory Water Metering is weak (conditional, suggests rather than stipulates), even though the language in Appendix E, the Program itself, is strong (assertive of rules and mandates) Since this is the one action the farmers have agreed to as of this writing, and it is critically important, the language in the body of the GSP should be revised to mirror the strength of the language in Appendix E, to avoid giving the impression that all the Program's mandatory provisions aren't in fact mandatory. See draft GSP, pp. 3-39, 2nd paragraph, and E-S5, PMA #4, last sentence.

See for example (italics and bold mine):
(Executive Summary, ES-5, PMA #4, last sentence) "Mandatory water metering for all non-de-minimus groundwater extractors ***is proposed*** to take place following adoption of this GSP." ***Why not, will take place?***
(Monitoring Network, 3-39, 2nd full paragraph) First there is a strong sentence: "Upon Plan adoption all non-de-minimus groundwater extractors will be required to record monthly groundwater production and report to the GSA on an annual basis." But this sentence is followed by weak statements: "***It is expected*** that the property owner (or third party contractor acceptable to the GSA) ***would*** monitor/read the meter on a monthly basis " And: "A third-party contractor acceptable to the GSA ***would*** inspect and read the meter on a semi-annual basis to verify the accuracy of data including meter calibration. On behalf of the property owner, the third-party contractor ***would*** provide an annual statement. ." The paragraph ends with another weak statement: "***The approach*** for well metering is detailed further in the Groundwater Extraction Metering Plan provided as Appendix E "
Again, why not will instead of would in the above sentences? Why not 'The property owner ...will monitor/read', and why not 'The Groundwater Extraction Metering Plan (Appendix E) provides further details?

Why not put Appendix E into the body of the GSP under Monitoring Network?

I16-1

Sincerely,

Rebecca Falk

Rebecca Falk

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Letter I16

Commenter: Rebecca Falk
Date: May 20, 2019

I16-1 The comments suggest that the language within the body of the Draft Groundwater Sustainability Plan (GSP) regarding Mandatory Water Metering should be strengthened to ensure it is clear that all the provisions specified in Appendix E are in fact mandatory. Revisions have been made to page 3-39 to clarify that the details within Appendix E are mandatory requirements. Page ES-5 has also been clarified that mandatory metering "will" take place following adoption of the GSP.

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Comment Letter I17

To: Rebecca Falk; Crow, Leanne
Subject: RE: public comments GSP Borrego

From: Rebecca Falk <rebfalk7@gmail.com>
Sent: Thursday, April 25, 2019 8 44 AM
To: Bennett, Jim <Jim Bennett@sdcounty ca.gov>; Crow, Leanne <Leanne Crow@sdcounty ca gov>
Subject: public comments GSP Borrego

Jim and Leanne,

Here is my first comment, more to come:

<I am concerned that the language in the body of the GSP for Mandatory Water Metering is weak (conditional, suggests rather than stipulates), even though the language in Appendix E, the Program itself, is strong (assertive of rules and mandates) Since this is the one action the farmers have agreed to as of this writing, and it is critically important, I strongly feel the language in the body of the GSP should be revised to mirror the strength of the language in Appendix E, to avoid giving the impression that all the Program's mandatory provisions aren't in fact mandatory. See draft GSP, pp. 3-39, 2nd paragraph, and E-S5, PMA #4, last sentence. I17-1

Becky

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Letter I17

Commenter: Rebecca Falk
Date: April 25, 2019

I17-1 The comments suggest that the language within the body of the Draft Groundwater Sustainability Plan (GSP) regarding Mandatory Water Metering should be strengthened to ensure it is clear that all the provisions specified in Appendix E are in fact mandatory. Revisions have been made to page 3-39 to clarify that the details within Appendix E are mandatory requirements. Page ES-5 has also been clarified that mandatory metering "will" take place following adoption of the GSP.

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Comment Letter I18

From: DIANE JOHNSON <depjohnson@aol.com>
Sent: Tuesday, May 21, 2019 2:58 PM
To: LUEG, GroundWater, PDS
Subject: Comment on Borrego Valley Draft GSP (1)
Attachments: Borrego GSP Comment Risk Brief.docx

Please see attached file If you prefer that I copy the file into its own email message, please let me know

Diane Johnson
Borrego Springs

1

21 May 2019

To: County of San Diego
Planning & Development Services
C/O: Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

From: Diane E.P. Johnson, Borrego Springs

Re: Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Mr. Bennett,

I wish to submit the following Risk Brief as a Public Comment. As you are aware, but as others might not be, Lyle Brecht has been an active member of the Core Team of the Borrego Valley GSA, and the Borrego Water Coalition before that. His business and academic background give him a particular expertise in discerning both potential risks and potential ways to mitigate those risks. I am commending his careful and comprehensive risk analysis to you analysis to you because the hydrologically-oriented structure of SGMA and the GSP do not lend themselves to the kind of economic, and social, aspects of sustainability that Mr. Brecht discusses here. I imagine that this is because SGMA's authors did not hold a place like Borrego Springs in mind when they crafted the law.

As you are well aware, the Borrego basin and community are almost -- or are in fact -- unique in California in that we have and likely will never have access to water from a source other than our aquifer. We are very isolated geographically; our municipal water district is very small, with roughly 2000 customers, and the entire community is designated as an SDAC by DWR Yet the community has outsized importance in that it is the sole provider of hospitality services to visitors to Anza-Borrego Desert State Park, which attracts up to a million visitors (regional, American, and international) per year.

Clearly, our groundwater usage must be reduced to a sustainable level in order for the aquifer, the town, and the Park to survive. But it's also essential that the quality of our potable water remains high.

We cannot import cleaner water to dilute any well water that has become contaminated with pesticides (there are a few thousand acres of agricultural land here, and farming has gone on since the 1950s) or naturally occurring contaminants. Thus if water quality gets low enough, our small municipal water district would face building an extremely expensive water treatment plant, which would be ruinous and could in fact lead to the death of our community. And because we are the only community around to offer visitor services to the Anza-Borrego Desert State Park (the largest in California), that public resource/benefit would be heavily impacted as well.

Mr. Brecht backs up these points and raises many others as well in the following Risk Brief. We look forward to seeing these issues addressed in a revision of the Draft GSP.

I18-1

FOR [redacted]
ONLY
by BWD Director Lyle Brecht

The present March 2019 draft Groundwater Sustainability Plan (GSP) for the Borrego Springs Subbasin (Subbasin) of the Borrego Valley Groundwater Basin is the result of thousands of hours of expert analysis. The GSP has cost approximately $6 million since 2010 (see attached) to arrive at a scientifically and legally defensible, carefully crafted approach to addressing the overdraft.[1] The draft GSP is a monumental step forward after so many years of neglect.[2]

I have a few technical concerns mostly related to the over reliance on adaptive management driven changes to the plan to potentially correct for starting assumptions, given such a short 20-year planning period.[3] These technical concerns primarily arise from the variability and frequency distribution of Subbasin physical recharge events over the US Geological Survey (USGS) numerical model calibration period (see attached) [4] Many of these technical concerns

I8-2

[1] SGMA sets an arbitrary date of January 1, 2015 for *reimbursement* of GSP development-related expenses. However, what I am accounting for in the approximately $6M GSP actual development costs to date are the direct costs of the technical, legal, and administrative work necessary for developing the Subbasin GSP. For example, the draft GSP as it stands would not have been possible without the previous grant and BWD ratepayer funded studies by the USGS that provided a numerical model of the Subbasin that establishes a defensible sustainable yield; the US Bureau of Reclamation that establishes that running a pipeline to Borrego is economically infeasible; the USEPA that establishes that there are no economically available water sources from aquifers over the next hill, DWR's extensive data collection efforts; Dudek's various analytical work on issues of critical concern to the GSA such as Subbasin boundaries; Raftelis's estimates of potential financial costs to ratepayers from SGMA, Best Best & Krieger's legal work on the intersection of GSP requirements, CEQA and California water law; Downey Brand's legal work on water law and MOU development; the gracious contributions of time by citizens of Borrego with special expertise in hydrology, planning, field biology, fundraising, civic organization, and government relations, etc.

[2] About thirty-five years ago, a USGS study, funded by San Diego County, unequivocally established that the Subbasin was in severe overdraft. But, 35-years have gone by with no reduction of the annual overdraft. Between 1982 and 2010, the annual overdraft more than

doubled and is now considered *critical* by DWR. The overdraft is economically expensive (water supply uncertainty is an impediment to growth). This expense for municipal ratepayers only increases with time as the overdraft continues.

[3] Assuming that *adaptive management measures* can correct for the entirely of systemic risk is not warranted. See Holly Doremus, Professor of Law, University of California, Berkeley, *Adaptive Management as an Information Problem* (2011). "Faced with the reality that adaptive management is not a panacea, policymakers may have to directly confront difficult questions about the relative costs of different sorts of errors and develop forthright approaches to making decisions in light of uncertainty."

[4] Due to the variability and frequency of natural recharge events based on the USGS 66-year calibration period, statistically it is highly unlikely that by altering a reduction schedule based on 5-years of new recharge data one can improve the odds of reaching a sustainable yield target by year 20. Instead, it is more likely one would decrease the probability of reaching the desired sustainable yield target.

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are discussed and enumerated in the studies performed for the Subbasin Groundwater Sustainability Agency (GSA) under a California Department of Water Resources (DWR) Severely Disadvantaged Community (SDAC) Proposition 1 grant to the Borrego Water District (BWD) by Environmental Navigation Services, Inc (ENSI) [5]

However, my comments on the draft primarily are focused on risk.[6] My contention is that bringing the Subbasin into sustainable use by January 2040 is *path dependent*. That is, one could potentially bring the Subbasin into sustainable use by 2040, but do it in a manner that causes water rates to rise so high and so fast that some of the customers of BWD would not be able to afford to continue to live in Borrego [7] The problem with the loss of municipal customers is the potential for creating a vicious circle where loss of customers causes yet more increasing rates, given fixed costs that continue to drive even greater rate increases with less customers. This may seem far-fetched to some, but when I was consulting with the US Environmental Protection Agency, Office of Water, in Washington, DC, I saw firsthand that this has happened in other places. *Path dependency* matters.

I18-2 Cont.

Below are my comments that derive from this risk management perspective:

1. Insufficient Addressing of SDAC Considerations

   - Under GSP Regulations Section 355.4. "Criteria for Plan Evaluation by DWR." Whether the interests of the beneficial uses and users of groundwater in the basin, and the land uses and property interests potentially affected by the use of groundwater in the basin, have been considered;[8]

I18-3

[5] ENSI, *Methodology To Examine Future Groundwater Overdraft In Terms Of The Overall Hydrologic Water Balance Considering Recharge Variability And Parameter Uncertainty* (September 12, 2018); *Water Quality Review and Assessment: Borrego Water District (BWD) Water Supply Wells* (December 7, 2018), *Assessment Of Water Level Decline, Hydrogeologic Conditions, and Potential Overdraft Impacts For Active BWD Water Supply Wells* (January 7, 2019); *Comparison of Pumping Rate Reduction Schedules Under SGMA* (February 11, 2019), Decision Management Analysis (April 16, 2019).

[6] Risk in complex systems = sum (probability of an adverse event occurring X its attendant costs). Thus, low probability, high consequence events are not excluded from one's analysis. Risk in this context results in a dollar amount. Groundwater basins are a complex system. Linear analysis only approximates the physical reality of the system. See Stefan Thurner, Rudolf Hanel, and Peter Klimek, Introduction to the Theory of Complex Systems (Oxford, UK. Oxford University Press, 2018)

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[7] Based on the data, so carefully and thoughtfully presented in the draft GSP, bringing the Subbasin to sustainable use as quickly as economically feasible is necessary for future sustainable economic activity and development opportunity in the Borrego Valley.

[8] See draft GSP (March 2019), Appendix A: "DWR Preparation Checklist for GSP Submittal."

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From the draft GSP text, it is not clear that the interests of municipal customers of BWD in a SDAC have been adequately *considered* or *addressed*.[9] The projected approximately $20 million cost to implement the proposed GSP may drive water rates for municipal customers beyond affordability for some BWD SDAC customers;

For example, as an SDAC community, many of the BWD ratepayers are rate sensitive. Water rates are not infinitely elastic and undue risk that puts pressure on water rates can have a deleterious impact, not only on BWD's finances, but the economic viability of the Borrego community and its embedded property values served by municipal water service.[10] Future water rates, driven by SGMA implementation costs may become a primary factor in future economic development opportunities for Borrego Springs.[11]

I18-3 Cont.

2. Assumptions of Business-As-Usual for San Diego County Administrative Practices & Policies

Business as usual by the County may render the efforts of the GSA to bring the Subbasin into sustainable use no later than January 2040 with no undesirable results extremely unlikely.[12] The end result is that BWD ratepayers may experience a disproportionate amount of risk.[13]

An important issue regarding risk is that without adequate management of this risk, it can become destructive of the BWD's credit. Give the capital intensity of BWD's business, BWD requires good credit in order to borrow for adequately maintaining its municipal water and ~~sewer system.~~[14] ~~Loss~~ of credit would put undue pressure on water rates

I18-4

[9] See draft GSP (March 2019) pp. 36, 58, 203, 213, 315, 421-2, 588.

[10] It is uncertain that the District's SDAC customer base would be able to afford the resultant water rates. See Raftelis Financial Consultants, *Borrego Water District County Zoning and SGMA Impact Assessment* (November 17, 2016) and *Borrego Water District Water Rates Affordability Assessment* (October 4, 2017), LeSar Development Consultants, Borrego Springs Community Characteristics Report (1/30/2019) and ENSI, SDAC Impact/Vulnerability Analysis (Task 2) (April 15, 2019)

[11] Water rates are what they are to provide potable water to Borrego's homes & businesses. Under State law, the District is required to charge rates that produce revenues to cover its *costs*. So, the deeper issue is not rates, but *costs* to provide potable water. Rates are a direct result of the District's *costs*. The District share of projected GSP implementation costs are likely to increase future water rates

[12] SGMA states that sustainability must be achieved within "20 years of implementation of the plan." (Water Code, § 10727(b)(1).

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[13] "Managing risks [is] an act of the imagination…" See Michael Lewis, The Fifth Risk (New York: W. W. Norton & Company, 2018), Location 577.

[14] The current replacement cost of BWD's municipal water, sewer, and wastewater system is approximately $62.5 million.

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- *Land Use Decisions*: Full general plan buildout of existing approved zoning, given permitting constraints is presently presumed to add an additional 3,000 residential, 215 commercial, 108 public agency, 207 irrigation and 179 multiple unit EDU to the basin for a total of 6,811 EDUs. Applying the current residential water demand of 0.55 acre-feet per account would result in a future municipal water demand of 3,746 acre-feet per year, which is about 66% of the basin sustainable yield of 5,700 acre-feet per year. The estimated future municipal water demand of 3,746 acre-feet per year combined with the existing golf course water demand of 2,852 acre-feet per year is 6,598 acre-feet per year or 116% of the sustainable yield. This indicates that the municipal water demand at the already County-approved zoning buildout, assuming the current water use per EDU, combined with existing recreational water demand, will consume all available supply and that there would be limited to no available supply for agriculture.[15] This situation appears to be a result of the County's past policy to approve new development independent of the water supply availability to serve such new development.

- *Well Abandonment Enforcement*: San Diego County Code, Sections 67 401 through 67 424 provide the regulatory authority to abandon wells. In addition, Section 67.421 adopts standards from Department of Water Resources Bulletin 74-81 and 74-90 (i.e., California Well Standards) for the construction, repair, reconstruction, or destruction of wells. Chapter 4, Wells Section 67.401 states: "It is the purpose of this Chapter to provide for the construction, repair and reconstruction of wells to the end that the ground water of this County will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this County, and for the destruction of abandoned wells or wells found to be public nuisances to the end that such wells will not cause pollution or contamination of ground water or otherwise jeopardize the health, safety or welfare of the people of this County" (Amended by Ord. No. 10238 (N.S.), effective 1-4-13) Section. 67.402 defines Abandoned and Abandonment. The terms "abandoned" or "abandonment" shall apply to a well that has not been used for a period of 1 year, unless the owner declares in writing, to the director his intention to use the well again for supplying water or other associated purpose (such as a monitoring well or injection well) and receives approval of such declaration from the director. All such declarations shall be renewed annually and at such time be resubmitted to the director

I18-4 Cont.

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[15] Dudek, *Theoretical Water Demand at Buildout of Present Unbuilt Lots Under County's Current Zoning in Borrego Springs* (October 4, 2016) and draft GSP (March 2019) Section 2.1.3 "Land Use Considerations" pp. 2-17-20.

for approval (Dudek research). Presently, Dudek estimates approximately 50 improperly abandoned wells in the Subbasin at a cost of approximately $40,000/well to properly abandon (draft GSP estimate). Without adequate and timely enforcement of State and County well abandonment regulations, this approximate $2.0 million cost potentially jeopardizes adequate management of the Subbasin for no undesirable results.[16]

- *Ministerial Well Permitting*: Under SGMA, assessment of well interference and impacts of new wells on pumping allowances will be required to adequately manage the Subbasin for no undesirable results.[17],[18]

- *Land Restoration Sureties*: Pre-SGMA land fallowing standards may not have had to meet California Environmental Quality Act (CEQA) requirements. It is anticipated that CEQA requirements will have to be met for all fallowing under the Groundwater Sustainability Plan and for any land that is fallowed in the Subbasin with public or private funds for water transfer purposes. Anticipated additional CEQA requirements beyond proper well abandonment include soil stabilization, Phase I Environmental Site

I18-4
Cont.

[16] Proper well abandonment enforcement may be a pre-requisite for sound Subbasin management. For example, in May 2000 in Walkerton, Ontario, a town of 5,000 people, a perfect storm of a broken water main, a sick animal, heavy rains, poor maintenance and repair practices, and operator error combined to introduce *E coli 0157:H7* into the public water supply sickening 2,300. Hundreds were hospitalized, and seven people died. The ultimate villain was an improperly maintained, barely used well. In other words, protecting groundwater quality is a big deal for the ongoing economic security of a community that is too often taken for granted. Lack of proper well abandonment enforcement may threaten the entire population of municipal ratepayers who represent approximately $300 million in assessed property value in the Borrego Valley.

[17] "The passage of SB 252 added Article 5, Wells in Critically Overdrafted Groundwater Basins, to chapter 10 of the California Water Code requiring collection of specific information for water wells proposed in critically overdrafted groundwater basins. To facilitate the collection of the required information, San Diego County Department of Environmental Health (DEH) has revised the Well Permit Application and created a Supplemental Well Application. The Supplemental Well Application is included in the Well Permit Application and must be submitted for wells proposed in the Borrego Springs Subbasin. Wells drilled by the BWD to provide water solely for the residents are exempt from this requirement. The provisions of SB 252 are effective until January 30, 2020." See draft GSP (March 2019, Section 2.1.2 "Water Resources Monitoring and Management Programs," p. 2-17

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[18] Annual groundwater extractions exceeding the amount that a groundwater user is authorized to pump under regulations adopted by the GSA may be subject to fines or penalties under Water Code section 10732. The fine may be up to $500 per acre-foot extracted in excess of their authorized amount (Water Code §10732 (a)(1)), as well as potential additional fines under Water Code, 10732(a)(2).

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Assessment (ESA), and removal of existing infrastructure.[19] Based on Dudek's analysis of land restoration costs, the County's sureties on existing land that was cleared for its approved solar farms may be only approximately 50% of the actual costs to properly return the land to acceptable condition once the economic useful life of these projects has run its course. Having an adequate surety for these projects is important since the experience nationally is that oftentimes once the project reaches its useful economic life, the project owner declares bankruptcy, leaving those land restoration costs to the public sector not covered by the original surety.

I18-4 Cont.

3. Water Quality (WQ) Issues (See draft GSP (March 2019) Section 2.2.2.4 "Groundwater Quality, pp. 2-55-64)

   - *The potential degradation of WQ due to the critical overdraft of the basin is the #1 risk factor for the District and its ratepayers.* This risk factor is due to the potential treatment and/or well abandonment/re-drilled/or replaced costs associated with degrading water quality from the *critical* overdraft.[20] The degradation of WQ in the basin is a low probability high consequence concern. These days, a new municipal well is an approximately $1.5 million cost. Already, the upper aquifer of the basin, where the highest water quality is found has largely been dewatered in the Central Management Area due to the overdraft. Thus, the majority of municipal pumping is now from municipal wells screened in the middle and lower aquifers;[21]

   - *Historically (over the past 50-years), the most expensive WQ problem for municipal water supplies has been degraded WQ from septic tank effluent.* As many as 4 municipal wells have either been abandoned or had to be re-drilled or replaced due to nitrate contamination from septic tanks (ID4-1, ID4-4 (deepened), WC #1, Roadrunner).[22]

I18-5

[19] "The GSA also has authority to 'provide for a program of voluntary fallowing of agricultural lands or validate an existing program" (CWC, Section 10726.2(c)) " See draft GSP (March 2019) Section 4.2.1 "Water Trading Program Description," p. 4-7. A passive restoration of disturbed land can take many years, and even decades, in a desert environment.

[20] Dudek, *Water Replacement and Treatment Cost Analysis for the Borrego Valley Groundwater Basin* (November 24, 2015).

[21] ENSI, *Water Quality Review and Assessment: Borrego Water District (BWD) Water Supply Wells*

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(December 7, 2018).

[2] ENSI, *Water Quality Review and Assessment: Borrego Water District (BWD) Water Supply Wells* (December 7, 2018).

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- *Historically, 2 municipal wells (ID-1 & ID1-2) have been abandoned due to naturally occurring contaminants that exceed Minimum Contaminant Levels (MCLs).*[25]
- *Historically, BWD presently knows of no municipal wells that have been adversely affected by pollution from return flows from agricultural pumping* However, return flows from agricultural irrigation are highly polluted with salts and chemicals.[26] Return flow water is non-potable This water would need to be treated before it was suitable for human consumption.[28] The precautionary principle suggests that the GSA should today plan for an uncertain future and make allowances for the potential treatment ofhistorical return flows from agricultural irrigation.[26]
- *Presently, the District is closely watching water quality trends for one production well showing potential arsenic concentrations that may exceed MCLs for arsenic in the near future.* Thus, BWD is planning on replacing this well with a new production well in the near future,
- *Waiting to see if pollution of municipal supplies occurs sometime in the future is not the most prudent approach to managing the potential risks to public health* [27]

I18-5
Cont.

[25] These wells, no longer useful for municipal use, were conveyed to the owners of the Rams Hill Golf Course for golf course irrigation use.

[26] A list of the toxic pesticides, herbicides and pesticides applied to land in the Borrego Valley is sourced from the California Pesticide Information Portal (CALPIP) hosted by the California Department of Pesticide Regulation. Site is as follows: http://calpip.cdpr.ca.gov/main.cfm.

[28] ENSI, *Assessment Of Water Level Decline, Hydrogeologic Conditions, and Potential Overdraft Impacts For Active BWD Water Supply Wells* (January 7, 2019)

[28] Testing for Emerging Contaminants of Concern (COCs) is expensive and may not be identified by traditional Mann-Kendall Trend Analysis until after-the-fact. Some chemicals such as 1,2,3 TCP toxic concentrations for drinking water are presently measured in parts per trillion (ppt) Large molecules (traditional with many pesticides) that sorb with soils do not typically make their way to the groundwater table. Many pesticide molecules can make their way into a drinking water supply from surface runoff into surface water bodies. Since the BWD does not rely on any surface water for its municipal drinking water supply, exposure to some COCs may be limited. However, the issue in Borrego is that we have approximately 50 improperly abandoned wells in the Basin, so an assumption that a large molecule toxin will not reach the water table may not be a good assumption.

[27] In April 2014, a decision to cut Flint, Michigan's water supply budget caused widespread lead poisoning of children in Flint, MI. Lead poisoning is an irreversible neurotoxin that interferes with the development of

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the nervous system in children, causing permanent learning and behavioral disorders. Additionally 10 people have died from Legionnaires' disease amidst a surge in infections caused by water-borne bacteria. The costs for attempting to save $2 million/year is expected to reach $1 billion.

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REFERENCES

Dudek 2015. Water Replacement and Treatment Cost Analysis for the Borrego Valley Groundwater Basin. December 11, 2015.

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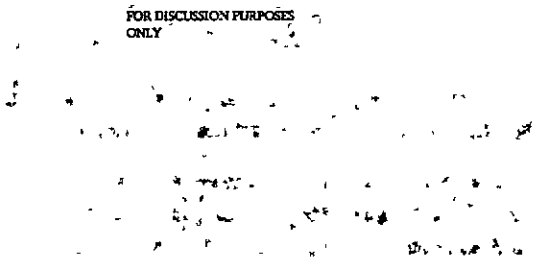
FOR DISCUSSION PURPOSES
ONLY

Letter I18

Commenter: Diane Johnson
Date: May 21, 2019

I18-1 The commenter includes a risk brief prepared by Lyle Brecht of the Borrego Water District and a request to revise the Groundwater Sustainability Plan (GSP) based on these comments. The commenter does not offer suggested edits to the GSP. Therefore, the comment does not address the adequacy of the Draft GSP, and no further response is required or necessary.

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Comment Letter I19

May 21, 2019

County of San DiegoMay 14, 2019
Planning & Development Services
C/O Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Ref Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-

Re: Suggested changes to the Groundwater Sustainability Plan Draft for the Borrego Valley Groundwater Basin (SGMA Draft). Promote Bioretention Basins and Greywater Systems

Dear Mr. Bennett

I have several suggested changes and additions to the Groundwater Sustainability Plan Draft for the Borrego Valley Groundwater Basin (SGMA Draft)

The SGMA Draft states that "There are currently no managed stormwater recharge facilities in the Plan Area " Thus, recharge is limited to natural infiltration of stormwater, and to a lesser degree, return flows of applied irrigation water and septic recharge." (2 45) Additionally, poor water quality associated with irrigation return flow and septic recharge has percolated to the aquifer and has the potential to migrate laterally as a result of pumping (3.29) Septic systems have polluted several BWD wells and resulted in the need to drill expensive new wells.

"The source of nitrates is likely associated with either fertilizer applications or septic return flows " (4 30) "Home septic tanks, when used in high concentrations and built to poor or outdated standards" (2.46) and agriculture petrochemical fertilizers, herbicides and pesticides are contributors to groundwater quality degradation.

Since recharge is often polluted by septic and agriculture return flows, infiltration of stormwater in bioretention basins could dilute these toxic return flows. The use of existing natural and extensive man-made stormwater drainage channels could substantially reduce construction costs, increase the basin recharge, mitigate pollution from septic and agriculture return flows and the runoff to the Borrego Sink that could results in higher TDS levels.

I19-2

Runoff in the Borrego Sink could also damage the middle and upper aquifers so stormwater should be captured and allowed to percolate into the aquifer before it

I19-2

William J. Berkley, WJBerkley@Gmail.com 858-395-8709 1

reaches the Sink. "The Borrego Sink, similar to dry lake beds that occur in the desert, is a location where water evaporates and minerals will accumulate and can form evaporite deposits Historically similar conditions occurred as sediments were deposited. Thus, the middle and upper aquifers have the potential to include evaporite deposits that can re-dissolve and lead to elevated concentrations of sulfates and carbonates that result in corresponding increase in TDS " ENSI: DRAFT 12/7/2018, page 9

I19-2 Cont

There is plenty of evidence that stormwater runoff exists and can be captured on a cost effective basis:

- There are years in which the frequency, intensity and/or duration of runoff events were sufficient to initiate substantial stream recharge (e g , water years 1967, 1977, 1979, and 1992)." (2.79)
- "The runoff into the Subbasin from the 24 entry points was as much as 44,000 AFY with an average annual rate of 3,600 AFY." (2.75)
- "Storm flows may occasionally be adequate in intensity and duration for recharge to be initiated through deep percolation of storm runoff " (2 66)
- The runoff that is not recaptured is lost to evaporation in the Borrego Sink or leaks out of the aquifer in the southern basin.
- "The contributory watersheds are approximately 400 square miles (mi2) and much larger in area than the approximately 98mi2 Subbasin as illustrated in Figure 1." (p. 532)
- "Stream and flood flows from the adjacent watersheds provide the bulk of the water that enters the Subbasin." (p. 532)
- There are existing infrastructure improvements (drainage channels) that can be utilized to increase runoff into bioretention basins and reduce construction costs. (See the attached Rams Hill example)

I19-3

The Summary of General Plan and Community Plan Land Use Policies Relevant to Groundwater Sustainability in the Plan Area also encourages stormwater infiltration. It specifies the following"

> COS-4.3 Maximize stormwater filtration and/or infiltration in areas that are not subject to high groundwater by maximizing the natural drainage patterns and the retention of natural vegetation and other pervious surfaces.
>
> COS-5 2 Require development to minimize the use of directly connected impervious surfaces and to retain stormwater runoff caused from the development footprint at or near the site of generation

Furthermore, Rick Alexander recently wrote a California Water Board Grant Application request for a Coyote Creek grant to research the capture groundwater in ponds. His requests should be expanded to include the Rams Hill, and de Anza areas

I19-4

Through Title XVI Reclamation Research Grant Program*

1 Stormwater Capture/Groundwater Infiltration Opportunity/Feasibility Study

Specifically, BU Rec is interested in funding a Research Grant to explore feasibility of groundwater capture in ponds during vernal, or storm events, from the Coyote Creek Watershed. Captured water would percolate into the aquifer providing recharge rather than running-off and evaporating as now occurs. Coordination/cooperation of planning with ABDSP would be a critical component of such a study. Taking advantage of potentially fallowed agricultural lands could provide opportunities for location of stormwater capture basins

3 Watershed Management Programs
The Cooperative Watershed Management Program (CWMP) provides funding to watershed groups to encourage diverse stakeholders to form local solutions to address their water management needs By providing this funding Reclamation promotes water reliability and cooperation between stakeholders to reduce conflict, facilitate solutions to complex water issues, and stretch limited water supplies. Funding is provided on a competitive basis for development of watershed groups and implementation of watershed management projects.

I19-4 Cont.

Therefore, the SGMA Draft Stormwater Capture and Infiltration sections should be rewritten with the emphasis on the positive rather than the negative. Grants and bond funding should be pursued and incentives offered to homeowners and large property owners who have the ability to build bioretention basins

I19-5

"There is an average of about 40 gallons per person per day available for graywater recycling and the average family can reduce their freshwater use by as much as 30% by using graywater for irrigation (SOW 2019)" (4.17). Those who capture filtered household greywater and collect stormwater from roofs, driveways and yards by contouring their property so the water flows into underground tanks, would also experience lower water bills and the satisfaction of helping the community.

Although experts have made rough stormwater runoff estimates, accurate Borrego runoff data does not exist. Specifically, the annual precipitation data doesn't accurately indicate the amount of runoff and its potential recapture. The SGMA draft states "Winter and summer rain storms produce different amounts of runoff For example, in a year of unusually high precipitation from extended periods of winter drizzle, there may be high amounts of precipitation but very little runoff In other years, although the annual precipitation may be low, a single August storm could dumped a huge amount of rain in a few hours and create flooding This type of storm would produce a huge runoff that could be captured and allowed to percolate into the aquifer. Precipitation patterns in the Plan Area are influenced by two distinct sources. The first source is

I19-6

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Pacific frontal systems that bring regional rain bands to Southern California, typically between October and April.

The second source is isolated and scattered thunderstorms that occur when moisture from the Gulf of California advects from south to north through the Plan Area. This phenomenon, commonly referred to as the "monsoon" season, is strongest in the summer months, but is not a regular or consistent occurrence. Occasionally, the decaying remnants of former tropical storms or hurricanes can pass through the area and in some years these further enhance the precipitation totals during the monsoon season. As a consequence of these disparate influences, the precipitation record is highly variable both seasonally and annually (Figure 2.2-3 and Figure 2.2-4). This makes defining the parameters of "wet" or "dry" years difficult **(e.g., one thunderstorm may drop half of the yearly total in an otherwise dry season).**" (2.36)

There are existing areas with extensive drainage systems that enhance their ability to capture stormwater at substantially lower construction costs (e.g. Viking Ranch and Rams Hill). Property owners could contribute the use of their land to Bioretention Projects and receive some form of compensation.

The Draft currently negatively states:

> "The infrequent occurrence of rainfall in the region results in extended periods of zero-recharge. Additionally, design criteria for capturing and infiltrating desert flood events, as well as removal and disposition of accumulated sediment from large storm events, is costly (USBR 2015). **Therefore, while this potential supplyside project requires additional analysis, the costs to construct this as a stand-alone project outweigh the benefits at this time.** Stormwater retention will be evaluated on a case-by case basis in conjunction with future development in the Subbasin "

I19-6 Cont.

This section should be rewritten as follows:

There are a number of reasons bioretention basins should be built in Borrego.

1 Stormwater runoff that reaches the Borrego Sink doesn't recharge the aquifer, it is lost to evaporation.
2 "The Borrego Sink, similar to dry lake beds that occur in the desert, is a location where water evaporates and minerals will accumulate and can form evaporite deposits. Historically similar conditions occurred as sediments were deposited The middle and upper aquifers have the potential to include evaporite deposits that can re-dissolve and lead to elevated concentrations of sulfates and carbonates that result in corresponding increase in TDS " ENSI DRAFT 12/1/2018, page 9.
3 Bioretention basins would reduce flood damage.
4. Bioretention basins would support endangered ecosystems.
5. Experts lack accurate data on Borrego's rainfall intensity and duration, so their predictions are flawed
6. Experts lact accurate data on streamflows "The highest levels of uncertainty in the model were from agricultural pumping, specific yield, and streamflow entering the valley." (2.80) In the fall of 2017, there was a precipitation event in the Coyote Creek watershed that produced runoff in Coyote Creek; however, no stream flow measurements are available for this event. Dudek 10329 001 Feb. 2019.
7. Septic system and fertilizer pollution, that threatens water quality, can be diluted with the addition of natural recharge from bioretention basins.
8 The existing costly flood channel infrastructure, such as the extensive natural and man made drainage channels in the Rams Hill area, will reduce bioretention basin construction costs
9. There are government programs that encourage bioretention basins construction in areas such as the Viking Ranch.
10. "There is runoff into the Subbasin from 24 entry points with as much as 44,000 AFY (2.75) "
11. Since grants and bond financing for the capture and infiltration of stormwater are available, they should be aggressively pursued.
12. Incentives can be offered to encourage the construction of multiple bioretention basins

Therefore, bioretention basin construction costs may be quite reasonable and the benefits to Borrego's critical water problems substantial.

I19-7

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The draft should also be strengthened with these three provisions:

1. Prohibit the concentration of septic tanks that are threatening our water quality.
2. Wherever possible, eliminate home septic systems by connecting homes to the BWD sewer system.
3. All homes should be obligated to install greywater systems and capture stormwater from roofs, driveways, and direct flows from contoured land to bioretention basins and/or in underground tanks for landscape irrigation.

I19-8

Everyone agrees that Borrego needs every drop of water it can save whether it's through changing to drip irrigation and native landscaping, installing home and commercial greywater systems, initiating turf reduction programs, or constructing large and small bioretention basins.

For these reasons, the SGMA draft should encourage, not discourage, the capture of stormwater runoff in bioretention basins.

I19-9

Regards,

Bill Berkley
SGMA Advisory Committee representing Borrego recreation

The Rams Hill Drainage Channels:

In the Rams Hill area extensive existing drainage channels collect runoff from thousands of acres and direct it to a small central collection point at the bottom of the hill where a series of bioretention basins can be built. This system could save thousands of acre feet over a decade. Therefore, the cost to build a series of bioretention basins would be relatively small when weighed against the benefits and Borrego's critical water situation.

The world has been experiencing climate change, particularly in precipitation extremes that generate peak runoff flows which if captured and saved, would increase water supplies.

Rams Hill's 3,200 acres and the thousands of park acres drain into the extensive natural and manmade drainage systems that collect stormwater and funnels it down to a central location that's perfect for the construction of a number of cascading bioretention ponds. The water can then percolate into the aquifer or be pumped immediately into Rams Hill's lakes where it can then irrigate the course.

The entire 200 acre Rams Hill Golf Course is a bioretention basin that currently captures water from hillsides, roads, parking lots, and roofs so that it can percolate into the aquifer. Some of the stormwater flows into the golf course lakes and is reused for irrigation which eliminates the need to pump water from the aquifer.

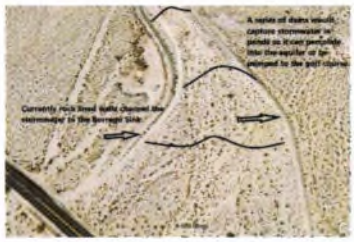
This picture of the sixth hole at Rams Hill was taken in February 2019. It demonstrates that the golf course is a large bioretention basin that has captured hundreds of acre feet of stormwater runoff that has recharged the aquifer over the years.

I19-10

William J. Berkley, WJBerkley@Gmail.com 858-395-8709 7

This picture shows the existing rock lined channels (east of Borrego Springs Road and near the BWD Reclamation Plant) that direct stormwater to the Sink. If the 4 acres between the rock lined channel walls were excavated to an average depth of 10 feet, they could capture 40 acre feet from one storm. While these storms may be infrequent, climate change may result in more storm events in the future.

Why miss an opportunity to capture stormwater before it is lost to evaporation in the Borrego Sink?



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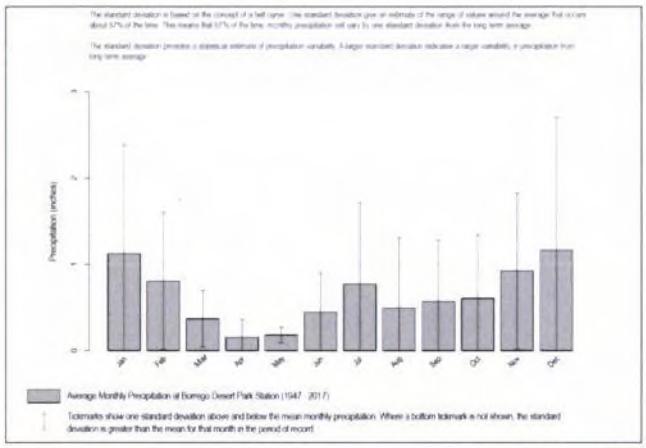

DUDEK

FIGURE 2.3-4
Average Monthly Precipitation at Borrego Desert Park Station (1947 - 2017)

Letter I19

Commenter: Bill Berkley, Advisory Committee Member
Date: May 21, 2019

I19-1 The Groundwater Sustainability Agency (GSA) acknowledges your comments and suggested changes on the Draft Groundwater Sustainability Plan (GSP). In particular you are interested in the potential of stormwater capture and recharge using bioretention basins that could dilute pollutants from other sources of return flow such as irrigation and septic recharge. You also indicate that existing natural and extensive man-made stormwater drainage channels could substantially reduce construction costs and increase the basin recharge

I19-2 The GSA notes your comment that runoff should be captured prior to discharge to the Borrego Sink because of the potential for the dissolution of evaporite deposits that could result in poor water quality.

I19-3 The GSA notes the documentation you provide as evidence for the potential of stormwater capture and recharge including reference to the General Plan and Community Plan land use policies.

I19-4 The GSA notes your comment that Rick Alexander recently wrote a California Water Board Grant Application request for a Coyote Creek grant to research the capture groundwater in ponds. The GSA is unaware of this Water Board Grant Application request for a Coyote Creek and requests that you or Rick Alexander provide the grant information to the GSA for review. The GSA also notes your comment to expand the study to the Rams Hill and de Anza areas.

I19-5 The GSA notes your suggestion to incorporate potential stormwater capture and recharge projects in the Draft GSP. In addition, the GSA notes your comments that grants and bond funding should be pursued and incentives offered to homeowners and large property owners who have the ability to build bioretention basins, and the potential for use of residential greywater systems and rainfall capture.

I19-6 The GSA notes your excerpts from the GSP pertaining to the duration and intensity of rainfall patterns in the Borrego Springs area. In addition, you indicate that there are existing areas with extensive drainage systems that enhance their ability to capture stormwater at substantially lower construction costs (e.g., Viking Ranch and Rams Hill) and that Property owners could contribute the use of their land to bioretention projects and receive some form of compensation. Also, the GSA

acknowledges your impression that the potential for stormwater capture and recharge is negatively reflected in the Draft GSP.

I19-7 The GSA acknowledges your comment that the Draft GSP should be revised to indicate that there are a number of reasons that bioretention basins should be built and that bioretention basin construction costs may be quite reasonable and the benefits to Borrego's critical water problems substantial.

I19-8 The GSA acknowledges your comment that the Draft GSP should include provisions to (1) prohibit the concentration of septic tanks, (2) eliminating home septic systems wherever possible and connecting to the BWD sewer system, and (3) obligate installation of greywater systems and capture stormwater from roofs, driveways, and direct flows from contoured land to bioretention basins and/or in underground tanks for landscape irrigation. The GSA notes that expansion of the Borrego Water District (BWD) sewer system has been studied as part of the *Final Tertiary Treatment Conversion Project Feasibility Study* (Dudek 2018). This report concluded that the expansion of the BWD sewer collection system for the three alternatives evaluated was not cost effective at this time.

As such, expansion of the BWD sewer system was not considered for a project in the Draft GSP. Installation of greywater systems and domestic stormwater capture are potential project-level actions to be considered as part of GSP implementation. Use of greywater systems may be evaluated as part of the Water Conservation Project and Management Action as indicated on Draft GSP page 2-32. Rainwater harvesting from roofs though rain barrels or cisterns could be evaluated as a project-specific management action. The GSA notes that similar rebate programs exist in the County however; the cost/benefit of such a program should be considered taking into account low rainfall in Borrego Springs.

I19-9 The GSA notes your comment that everyone agrees that Borrego needs every drop of water it can save. The GSA emphasizes that the Projects and Management Actions described in Chapter 4 of the Draft GSP prescribe a systematic process to evaluate the cost/benefit of various water conservation projects and contemplates securing funding such as through existing and future grants and low interest loan programs. The GSA also acknowledges your comment that the Draft GSP should encourage, not discourage, the capture of stormwater runoff in bioretention basins.

I19-10 The GSA acknowledges your proposed bioretention project at Rams Hill using the existing flood control system that collect stormwater and funnels it down to a central location that's perfect for the construction of a number of cascading

bioretention ponds. In addition, the GSA notes you comment that the entire 200 acre Rams Hill Golf Course is a bioretention basin that currently captures water from hillsides, roads, parking lots, and roofs so that it can percolate into the aquifer and that some of the stormwater flows into the golf course lakes and is reused for irrigation which eliminates the need to pump water from the aquifer. As documented in the Draft GSP, stormwater retention will be evaluated on a case-by case basis in conjunction with future development in the Subbasin.

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Comment Letter I20

Jack and Linda Laughlin
P.O. Box 626
625 Rista Drive
Borrego Springs, CA 92004-0626
Tel: (619) 840-4068
Email. desert.hwo@gmail.com

May 3, 2019

County of San Diego
Planning and Development Services
% Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Reference: Comments on the Borrego Valley Draft Groundwater Sustainability Plan

Dear Jim,

First of all let me say that after many years of effort to create a sustainable water management plan for the Borrego Valley it is rewarding to see in the draft GSP a roadmap to achieve this goal. This letter presents some relevant background from my perspective and comments on selected issues.

BACKGROUND
I am a retired registered professional engineer and have maintained an interest in the Borrego Valley aquifer overdraft problem since John Peterson began his well monitoring program in the early 1980's. My engineering work has been largely associated with water and power projects throughout the U.S. and overseas including work with California's water and electric utilities and California's state and federal agencies.

My involvement in past Borrego water management issues included leading a two year effort in the 1990's to confirm that the aquifer was in severe overdraft, examine alternatives for imported water sources, conduct community outreach meetings and draft a concept for a Borrego Valley water management plan. This effort included the State Park, DWR, USGS, San Diego State University and the Bureau of Reclamation. The program was discontinued because of a lack of support by the County and the BWD board of directors at the time. The positive outcome was a general acceptance of the aquifer overdraft problem, the conclusion that no viable alternative for imported water sources was likely and an interest by the state and federal agencies in participating in a future program if they received the necessary support to become involved.

1

Since that time BWD went through a difficult period that drained their finances but then recovered through the efforts of the recent and present board of directors and staff. While BWD will now be facing some difficult questions generated by the GSP process I feel they have made a great deal of progress in achieving financial viability, hiring competent contractors and focusing on the aquifer overdraft issue. Water conservation measures developed by BWD have significantly reduced the rate of domestic water use.

Golf courses have generally acknowledged the need for water conservation but have been hampered by changes in ownership and financial difficulties. While Rams Hill has been able to purchase water credits from agriculture to expand their golf courses, other golf courses are struggling financially. None has taken steps to significantly reduce water use through targeted design and other methods such as those being used in Phoenix and other desert cities. This would require capital investments that may be beyond their capability. The need to obtain water credits through fallowing agricultural land would add to their dilemma.

Agriculture has been at the heart of Borrego's evolution from an open desert to what it is today. Other than native Americans, explorers and miners, the people that populated the Borrego Valley were farmers. The people that invested in the major residential, commercial and recreational infrastructure of Borrego Springs came here originally to farm. Their families have been, and continue to be, some of Borrego's largest donors.

While the original major farming companies turned to development, the availability of unlimited free groundwater attracted the farming operations we see today. The USGS modeling studies conducted in the late 1970's as part of the Rams Hill permitting process assumed that water use for farming would be negligible in future years, leaving the rest of the newly defined aquifer to development interests. This conclusion probably resulted from the fact that the developers of Rams Hill were the farming companies that had recently discontinued intensive water use for grape vineyards and had influence on the study assumptions. In reality, citrus and tree farms were coming into full swing at the time. The concept that there was unlimited water in the aquifer came into question when John Peterson, San Diego County Hydrogeologist, found through his well level monitoring program that the aquifer was in a state of rapid depletion.

Because of the political influence of the developers and agricultural interests, both BWD and the County chose to deny the existence of the overdraft problem. This prompted community members with technical backgrounds to take the actions which led to the attempt to create a water management plan in the mid to late 1990's. While these efforts failed, the USGS aquifer model developed for the Rams Hill project was found to be basically sound and provided useful information for the modeling upgrades performed by graduate students from San Diego State University and subsequently by USGS and Dudek.

After several years of denial, agriculture was faced with published information that they were using about 70% of the aquifer extraction and that the aquifer was in severe overdraft. Instead of being considered an asset, agriculture began to look like a villain.

2

The owners of the major citrus and tree farms include both long-term family operations with close ties to the Borrego Springs community and large corporations whose interest would be primarily profit. Some of the operations have made substantial efforts to achieve efficient water use and an in-depth understanding of aquifer water quality in their area of extraction. The advent of SGMA and the sustainable yield mandate will result in a quantum change in agriculture as it now exists. How to incorporate the impact of that eventuality is undoubtedly the GSP's biggest challenge.

THE COUNTY'S ROLE

For many years the Borrego Springs community has enjoyed a high level of support from the County Commissioners, especially exemplified by Bill Horn in our new library and park complex and numerous other benefits he has bestowed. Jim Desmond has indicated that he will continue that precedent. The water issue, historically speaking, has not been treated so well. That has now changed.

Because BWD controls only a small part of the overall water use in the valley, it will be up to the County, its contractors and DWR to manage the overall GSP implementation effort which includes all three categories of water users. This is a complicated task involving technical, economic and political issues as well as policing and communications. I hope that you receive all the support you need to meet the challenge. Borrego's future depends on it.

COMMENTS

My comments are offered in a generalized manner because, other than being a reviewer of the recent USGS modeling program, I have not had a direct involvement with BWD in the meetings and work leading to the preparation of the draft GSP document.

Overview

I look at the draft GSP from the point of view of a project manager who has spent years dealing with large start-to-finish water-related projects with the attendant planning, permitting and project implementation elements. I am impressed by the scope and presentation of what you, along with your agency and contractor participants, have accomplished. I imagine that you are "breaking ground" in responding to SGMA's requirements and that there are few, if any, existing examples to follow.

One thing I feel is particularly important is the incorporation of tasks for adjusting the initial GSP assumptions. At the starting point there will be numerous uncertainties that will be clarified as new data and experiences are acquired. While there will be issues raised in the draft GSP responses, I feel that the basic road map you have created is a good working document for reaching the goals of compliance.

3

Data Acquisition and Aquifer Modeling
The selected sustainable yield estimate of 5,700 AF/Y is based on the best available information and a logical analysis of contributing sources developed in the USGS aquifer modeling program. Dudek's update of the modeling results shows some differences but confirms that the sustainable yield number is reasonable under present circumstances. The number, however, has an uncertainty factor due to the nature of estimating the selected stream inflows and the absence of metered data to confirm outflows.

The draft GSP includes creating a water balance of inflows and outflows based on increased flow metering, stream gauges and well level monitoring to calibrate the model and refine the sustainable yield factor. This task is particularly important because the water balance can encompass the assumptions for irrigation return flows, septic system return flows, evapotranspiration, etc. that are, in some cases, debatable. This represents a significant improvement of aquifer characterization, but one that is dependent on the cooperation of all involved water user groups to provide timely and credible data.

Past experiences have shown that agriculture when represented as a collective group has been very resistive to agency monitoring of flows or chemistry. Their position has been that any data released by the owners should take place out of the public domain and under their complete control. This resistance may have changed during the cooperative sessions conducted before and during preparation of the draft GPS, however I feel we need to take extra steps to ensure that data accuracy and availability do not become an impediment to accurate annual updates of aquifer status.

Considering history, I feel that the flow monitoring data should be openly submitted to the County on a monthly basis and that the County check the meters on a quarterly basis, carefully confirming that the data being collected by the owners is credible. Monthly tracking by the County would identify any apparent discrepancy in the instrumentation or in the frequency of data taking. Any problems could then be addressed quickly to ensure the viability of the data stream. Quarterly checking and calibration of the equipment by the County would ensure the accuracy of the annual results. The frequency of these tasks could be reduced over time as indicated by experience.

If well level measurements and water quality sampling are carried out by agency staff or their contractors, and access is not restricted, data management for these tasks shouldn't be a problem. If not, special care should be taken as suggested for flow monitoring.

Water Use Allocation
The compliance allocations for domestic, recreational and agricultural water use shown in the draft GSP are controversial. As expressed in the Ratepayers community meetings, people can't understand why domestic use should be penalized at the same rate as agriculture when domestic water use has been reduced through BWD conservation measures and agriculture's use has not. They feel that BWD may have capitulated to agriculture in fear of potential

4

litigation, significantly raising future domestic water costs as required to purchase water credits from agriculture. They also feel that the community of Borrego Springs, along with the State Park are essential entities whose future viability must be guaranteed.

Lacking direct knowledge of how the water allocation decisions were made, or what negotiations may be ongoing, it seems to me that the issue is important and definitely needs to be clarified. If the reference period for domestic and agricultural water use does not truly reflect domestic water reduction, the water allocation should be reconsidered. Or, it seems to me that if the final domestic water allocation were set at the present usage rate, or a usage rate that is achievable through reasonable continuing conservation measures with a small contingency for future growth, that community viability would be protected without the need to buy water credits from agriculture. It is true that the increment of water allocation required to do this is nearly insignificant compared with agriculture's use.

20 Year Compliance Period
Another issue that has been raised is the need to reduce the 20 year period of the compliance schedule to retain as much aquifer storage as possible, thus minimizing the impacts of declining water table on water cost and environmental damage. The 20 year schedule may have been deemed necessary to account for the complications that large farming operations in California may face in adjusting to compliance, especially considering the importance of these operations to California's economy. There is a clear incentive, however, to reduce Borrego's time table.

While there are a lot of uncertainty factors involved in minimizing the schedule, it appears to me that the draft GPS addresses a majority of the individual issues. From a project management standpoint it might make sense to add a fine item task that consolidates the issues with a stated objective of achieving the shortest possible compliance schedule. Thus, the goal could be tracked, reported and kept in focus.

Burden of GSP Program Costs on BWD Ratepayers
The draft GSP shows a concerted effort to estimate the cost of both the overall compliance program and the potential impacts on the cost of domestic water. Again, the number of variables creates a high degree of uncertainty for the accuracy of the estimates. This is especially true considering the possibility of future bond issues, changes in anticipated state or federal funding, as well as the difficulty of anticipating what the cost of downsizing agriculture will actually be.

My particular concern is the direct burden BWD will have to bear as a result of the GSP implementation process. The ratepayers of Borrego Valley represent a small group facing a large number of potential new expenses. It is my hope that the GSP team will be diligent in keeping the near-term and long-term expenses for BWD as low as possible.

5

CONCLUSION

I realize that this letter is long on history and short on the condensed comments that would normally be associated in a draft review of this kind. Being in my 80's now might give me some excuse for the tendency to look back and to add an educational tone to my response. I hope, however, that looking back will be of some help in moving forward with a successful water management program for the Borrego Valley. My best wishes toward that end. There is no need to reply to this letter.

Sincerely,

Jack K. Laughlin, P.E., ret.
Cc: Kathy Dice, President, BWD Board of Directors

6

Letter I20

Commenter: Jack K. Laughlin
Date: May 3, 2019

I20-1 The Groundwater Sustainability Agency (GSA) wants to acknowledge the comments that provide a breadth of historical perspective and insights from decades of participating and an ongoing interest in Borrego Springs water supply issues. Per commenter's request, no responses to comments are being made.

The comment letter does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary

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Comment Letter I21

County of San Diego
Planning & Development Services
C/O: Jim Bennet
5510 Overland Avenue, Suite 310
San Diego, CA 92123

April 24, 2019

Ref: Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Mr. Bennet:

In the final GSP for the Borrego Basin, the human consumption and use of water must have priority over agricultural and recreational claims. There cannot be any equal proportional reduction by all users. Such an argument for that position from anyone ignores the fact that for 70 years agriculture has been profiting from and over-drafting the basin and consuming 70% of the aquifer use on an annual basis. Even in recent years when Borrego Springs ratepayers have reduced their usage from 2,400 afy to 1,700 afy, agriculture has continued its same excessive consumption rate, if not more. The public record is clear. Twenty-five (25) agricultural corporate interests farming 4,000 acres do not deserve equal treatment and a financial reward for decades of aquifer abuse. We believe water case law in California supports this position of human consumption priority. I21-1

Borrego Springs must survive as a retirement and service-related community of 3,000 to 10,000 (including snowbirds) residents. Perhaps even more importantly, the town provides a destination and hub for thousands of annual world visitors, hikers, and campers to the largest desert state park in the nation, Anza-Borrego Desert State Park. Borrego Springs has been designated one of the few international dark sky communities easily accessible to the public. That basic survival requires a minimum of 1700 annual feet of water per year to be protected under the GSP for the use of ratepayers and visitors. Without that minimum amount of water, property values will plummet, and Borrego Springs could die. Such a demise would also threaten the communities of Ocotillo Wells, Ocotillo Wells Off Road State Vehicular Recreation Area, Ranchita, and Warner I21-2

Springs which all depend on the convenient goods and services found year-round in Borrego Springs. I21-2 Cont.

Implementation of the GSP cannot wait 20 years. The threat of decreased water quality as the aquifer declines mandates a much sooner completion timetable. I21-3

If the GSP fails to provide the 1700 afy of water Borrego Springs ratepayers and visitors need annually just to preserve the status quo, the State of California and the County of San Diego must provide the Borrego Water District with the necessary funding to buy out farming interests. Neither the community nor the water district have such assets. I21-4

Sincerely,

Richard W. Walker and Artemisa Walker
Borrego Springs residents for 16 years
373 Ocotillo Circle
92004-2053
Ph #760-767-4928
E-mail: casadelacholla@sbcglobal.net

Letter I21

Commenter: Richard and Artemisa Walker
Date: April 24, 2019

I21-1 The Groundwater Sustainability Agency (GSA) acknowledges your opposition to proportional reductions by all users and human consumption and use of water must have priority over agricultural and recreational water uses. While the Groundwater Sustainability Plan (GSP) does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I21-2 The GSA acknowledges your opposition to any groundwater use reductions for the municipal sector. While the GSP does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare CEQA documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The GSP further includes Project and Management Action No. 1 – Water Trading Program. The GSP states that the Water Trading Program would allow groundwater users (including the Borrego Water District) to purchase needed groundwater allocation from others to maintain economic activities in the Subbasin. The GSP indicates preparation of a Water Trading and Policy document is intended to begin upon adoption of the GSP. The timetable for implementation of the Water Trading Program is dependent upon whether implementation of the program requires CEQA review.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I21-3 The GSA acknowledges your request for the implementation of the GSP to be less than 20 years. While the GSP does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare CEQA documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I21-4 The GSA acknowledges the request for the State of California or County of San Diego to provide the Borrego Water District funding to buy water rights if Borrego Water District is subjected to groundwater use reductions below 1,700 acre-feet per year.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

Comment Letter I22

County of San Diego Planning & Development Services May 2, 2019

C/O Jim Bennett

I am a resident of Borrego Springs. I have read the proposed GSP and have the following personal comments:

The proposed GSP demonstrates a flawed and incomplete understanding of how a community such as Borrego Springs survives and prospers. As it is proposed, the GSP simply uses the amount of water pumped as the basis upon which all data is gathered and all plans are made. This is an incomplete view of the Borrego Springs environment and shows a lack of fundamental understanding of what sustains and drives our community. It is the economic benefit, that the USE of the water brings to the community, that should be the key consideration. This economic benefit should be taken into account when deciding how to mandate sector reductions. I22-1

In the Borrego Valley, the Municipal, Recreation and "Other" Sectors bring considerable economic benefit to the Borrego community when measured on a per acre foot of water used basis. However, the Agriculture Industry Sector brings relatively little economic benefit to the community when considered on an acre foot of water used basis. I22-2

A new plan should be considered which incorporates the dollar benefit on a per acre foot of water used basis. The new Plan should assess the acre feet used by each pumping sector and mandate reductions in water use until the dollar benefit per acre foot of water used, of each sector, is equal. The Municipal Sector (SWD) is made up of domestic and commercial users, where each brings value to the community by their domestic income stream or commercial business income. The Recreation Sector brings value to the community by providing a draw for golfers and sportsmen thus adding that local spending to the community. The "Other" category is made up of both recreation and domestic users, each bringing their value to the community as mentioned above. The Agriculture Sector does provide some jobs that do add income streams to the community. However, when these income streams of this sector are considered on an acre foot of water used basis, the value to the community is small. I22-3

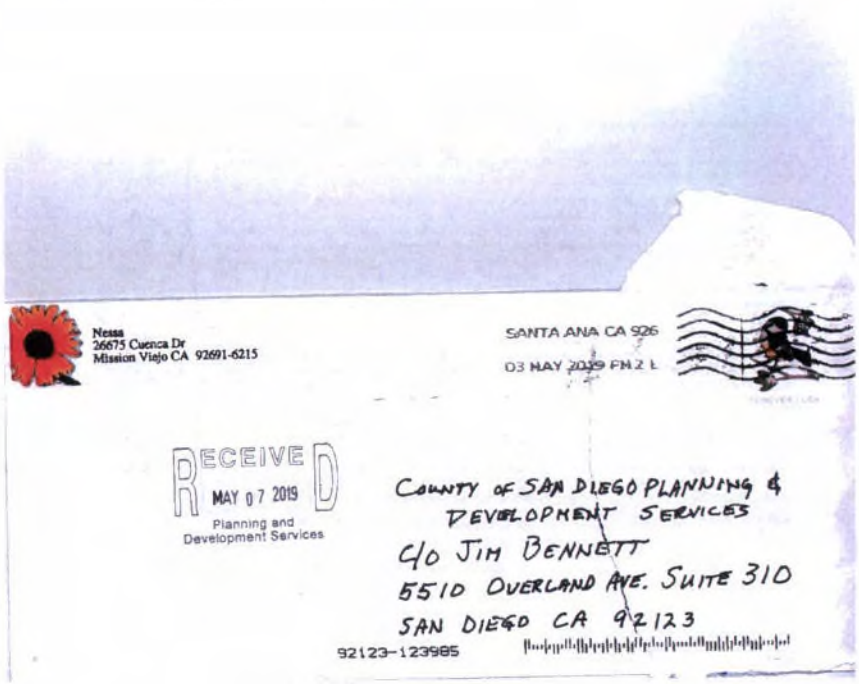
A new plan based upon the dollar benefit on a per acre foot of water used would be fair to all sectors, and would provide an economically stable community while bringing the aquifer back into equilibrium.

The State and County proposed GSP is a one dimensional view of a complex economic environment which is limited by a precious resource. The proposed flawed Plan will economically devastate Borrego Springs and turn our quaint community into a desert wasteland within 20 years. I22-4

Respectfully submitted

Eric Neese

949-348-1784



Nessa
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Planning and
Development Services

COUNTY OF SAN DIEGO PLANNING &
DEVELOPMENT SERVICES
C/O JIM BENNETT
5510 OVERLAND AVE. SUITE 310
SAN DIEGO CA 92123

92123-123985

Letter I22

Commenter: Eric Nessa
Date: May 2, 2019

I22-1 The Groundwater Sustainability Agency (GSA) acknowledges your disagreement with the approach to the Groundwater Sustainability Plan (GSP) and your opinion that the focus of the GSP should be the economic benefit that the use of water brings to the community. In response, the GSP was developed in compliance with the Sustainable Groundwater Management Act (SGMA) of 2014 (California Water Code Section 10720-10737.8, et al.) and the Department of Water Resources (DWR) GSP Regulations (California Code of Regulations, Title 23, Section 350 et seq.). Appendix A of the GSP includes the Preparation Checklist for GSP Submittal, which identifies where in the GSP each of the statutory requirements of SGMA are addressed.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I22-2 The GSA acknowledges your opinion that the municipal, recreation, and other water sectors bring considerable economic benefit to Borrego Springs versus the agricultural industry brings little economic benefit on a per acre-foot basis.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I22-3 The comment suggests a new plan be considered which incorporates the dollar benefit on a per acre foot of water used basis. In response, please see response to Comment I22-1.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I22-4 The comment provides a conclusory statement that the Plan is flawed and will economically devastate Borrego Springs and turn the community into a desert wasteland within 20 years.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

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Comment Letter I23

From: Marsha Boring <wmb0911@gmail.com>
Sent: Monday, May 13, 2019 2:37 PM
To: LUEG, GroundWater, PDS
Subject: Draft GSP comments

I am a year-round resident of Borrego Springs and also a member of the Borrego Water Coalition. I have attended many meetings, including the presentation of the GSP to the group I've also just reviewed the GSP and overall find it to be comprehensive and well-planned I23-1

I do have some serious issues with the water pumping reduction and the BPAs. Project and Management Action #3 recommends an across the board reduction of 74%, which would maintain the current distribution percentages The residential water use has already been cut from a reported historic high of 3500 acre feet/year to the current level of 1700 acre feet/year, a cut of 50%. Our community has done this through the conscious effort of removing fountains and swimming pools, grass and water intensive landscaping, converting to low-flow toilets, and overall conservation efforts I23-2

The recreational and agricultural users have been slow or completely unwilling to make similar reductions, continuing to deplete our aquifer. Clearly the major contributor to the aquifer overdraft has been and continues to be agriculture Although agriculture has been an important part of our community, it is unreasonable to assume that farming should continue to use 70% of the allocated water. I23-3

There is no reason to assume or plan for the historic water use percentages to remain at current levels. I believe that the municipal water allotment should not be lowered beyond the current level. That level of 1700 acre feet/yr would still be only 30% of the total 5700 acre feet/yr, which I believe is entirely reasonable. I23-4

Sincerely,
Marsha Boring
PO Box 2054
575 Pointing Rock Drive
Borrego Springs, CA 92004

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Letter I23

Commenter: Marsha Boring
Date: May 13, 2019

I23-1 The Groundwater Sustainability Agency (GSA) acknowledges this introductory comment. No response is necessary.

I23-2 The GSA acknowledges your concerns to groundwater use reductions/baseline pumping allocations (BPAs) and your comment that residential water use has already been cut by 50%. The Groundwater Sustainability Plan (GSP) specifies that 74% reductions are needed but it does not set specific groundwater use reductions by sector. As indicated in the GSP under Project and Management Action No. 3 – Pumping Reduction Program, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I23-3 The GSA acknowledges the comment that recreational and agricultural users have been slow or completely unwilling to make similar reductions as residential water use and it is unreasonable to assume farming should continue to use 70% of the allocated water.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I23-4 The GSA acknowledges your opposition to any groundwater use reductions for the municipal sector. While the GSP does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare CEQA documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

The GSP further includes Project and Management Action No. 1 – Water Trading Program. The GSP states that the Water Trading Program would allow groundwater users (including the Borrego Water District) to purchase needed groundwater allocation from others to maintain economic activities in the Subbasin. The GSP indicates preparation of a Water Trading and Policy document is intended to begin upon adoption of the GSP. The timetable for implementation of the Water Trading Program is dependent upon whether implementation of the program requires CEQA review.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

Comment Letter I24

May 15, 2018

Jim Bennett, County Groundwater Geologist
Borrego Valley Groundwater Sustainability Agency
5510 Overland Avenue, Suite 310
San Diego Ca. 92123

Subject Response to Comments GSP for Borrego Valley March 2019.

Dear Mr Bennett

It is encouraging to see the progress that has been made regarding the hydrological parameters of the Borrego Valley aquifer. This basin has been monitored for almost 40 years and it has been long established as being in critical overdraft. The work completed for the GSP is positive steps to alleviate this adverse condition. I24-1

In my review of the draft GSP I would like to offer the following comments in the record regarding the document:

1) On page ES-2 it is stated that "*In the southeastern part of the Subbasin, where less groundwater has been pumped, groundwater levels have remained relatively constant during the same time period* " This does not adequately cover the hydrographic trends within this area of the Valley. As an example the Well MW-5, which is located east north east of the Borrego Sink, has fallen 8.94 feet in the last 10 year (49.22 feet below ground surface in October 2008 to a current level of 58.38 ' in November 2018). This well is located in the discharge area of the basin and likely reflects groundwater level declines in the Mesquite Bosque which in in critical decline. Also this statement "relatively constant" does not document significant groundwater level declines (greater than 3 feet per year) in the southeastern portions of the basin. Specifically Monitoring well MW-3 has shown a substantial decline (57.51 feet below ground surface November 2015 to 70.65 feet in March 2019). This is also seen in Figure 2.2-13E where well number 011S006E23J002S has almost a 20 foot decline in 3 years. The report must reflect accurate trends in the basin and should be modified to represent current groundwater trends in this area of the basin I24-2

2) It has been well known and long established that Borrego Valley drains (flows) toward the Borrego Sink and down Borrego Sink Wash toward the east. Various technical studies including those from the USGS and DWR point toward the basins discharge point being through the Borrego Sink wash. Figures 2.2-13 C and 2.2-13 D accurately reflects this flow path. However Figures 2.2-13 A (Spring 2018) and 2.2-13 B (Fall 2018) represents a different flow path with the discharge point (or basin low) appearing to be near the Borrego Valley Airport Also on page 2-51 the statement is made that groundwater flow is *"toward the center of the valley near Palm Canyon Drive about 2 miles north of Borrego Sink"*. This "reversed northern flow direction from the sink" would be significant modification to historical flow path within the basin. This condition would be either produced by 1) a significant overdraft occurring in the area of the Borrego Springs Airport produced by extensive production (which we know is not the case), or 2) the potential incorrect interpretation of the data due to extreme lack of adequate groundwater level data from monitoring wells in this area of the basin. As given in response #5 below there is a significant data gap on a north\south line (almost 6 miles long) from the north of Henderson Canyon Road to the County Road Station Along this path only one data point exists (at the County Airport). It is very hard to accurately produce a groundwater level flow contour map with little to no data. If the contour lines are estimated or guessed they should be dashed and/or left out entirely. These two figures imply something that is very important (reserved flow direction north toward the airport from the sink) and it is based on extremely limited information. In science we should not arrive at a conclusion unless there is significant data to support that conclusion. I24-3
3) Just as a correction Figure 2 2-15 has our town center (Christmas Circle) listed as an active hazmat cleanup site as the Carrizo Impact Site. The text on page 2-61 provides additional detail that the Carrizo Impact bombing range covers ~400 square miles. It is suggested that some detail be added to the Figure to clarify this point. I24-4
4) Figure 2.2-21 B documents water use within the basin between 1945 and 2017. The figure identifies a significant decrease in annual total water use from ~18,500/yr. to ~14,500/yr. This is a significant trend of approximately 20%. If this is true why isn't the decline in water extraction reflected in Figure 2.2-22 B which represents the cumulative change in storage by year? This figure (2.2-22 B) implies a constant rate of consumption The only way I24-5

both figures would be correct is if a significant decrease in the amount of groundwater recharge had occurred and this is not considered to be the case. There seems to be a disconnect between Figure 2.2-21B which shows a significant decrease in extraction and Figure 2 2-22B which represents a consistent change (depletion) in storage over the same period. I24-5 Cont

5) Monitoring well distribution is discussed on page 2-54, where it is concluded that lateral distribution of monitoring wells "appears adequate to meet SGMA requirements within all of the management areas". However within the eastern central portions of the basin (south of Henderson Canyon road, east of Borrego Valley road and north of La Casa Del Zorro) there are only 4 monitoring wells This area covers almost 25 square miles making an overall density of 1 monitoring well per 6 square miles. Also three of the four monitoring wells are clustered along Palm Canyon Drive near the County airport. Given that almost 90% of 25 square miles have no monitoring wells it is hard to understand how it has been deemed that the distribution of wells is adequate. The gross number of wells likely meets the minimum requirements of SGMA but that is not the important issue. The problem is that the **distribution and location** of wells within and central eastern portion of the basin is clearly not adequate. This is also shown and represented in Figure 2.2-12. It is suggested that this region be identified as a data gap and that efforts be completed in the future to add additional monitoring wells within this area of the basin I24-6

6) I totally support the conclusion regarding identified data gaps within the groundwater quality network (pages 2-63 and 64). Monitoring groundwater quality trends is vital to the long term survival of the community and the basin. As identified in item #5 above the central eastern portion of the basin is not adequate covered by monitoring wells to estimate trends within the groundwater system. This includes both for groundwater levels and for groundwater quality. It is vitally important to develop a basic understanding of baseline groundwater characteristics throughout the basin The central eastern portion of the basin (which is located in both the Central and Southern Management Areas) is under represented for monitoring wells. The GSP identifies this as a data gap for groundwater quality but ignores the data gap for groundwater levels. I24-7

7) On page 2-70 it refers to the Horse Camp well within the section addressing the GDE Unit 2 Palm Canyon area. The Horse Camp Well is in the Unit 1 Coyote Creek area I24-8

8) Figure 3.3-1 "Key Indicator Wells" shows the significant gap in monitoring wells in the eastern central portion of the basin Only one well (the Airport Well) is located in 20 square miles. This is clearly not adequate to represent the basin Also Section 3 5.1 describes the monitoring network. Specifically Section 3.5.1.1 states that the ***density*** of wells meet the CASGEM requirements As previously stated the issue with the draft GSP is not the number of wells rather the adequate ***distribution*** of monitoring wells. It goes without saying that you can have adequate **number** of wells (say 50 wells) in an area 30 square miles, but if all of those wells are located within a small specific area of 10 square miles the average density is adequate but the well distribution is inadequate. Throughout the GSP reference is made to the adequate number of wells. However what is ignored is if the distribution of wells is adequate. This issue should be identified as a clear data gap within the GSP. Specifically section 3.5.4.2 does not identify this area of the basin as an area that requires additional data points. I24-9

9) Appendix D2 by ENSI appears to be a high quality comprehensive report. It is the best water quality summary that I have seen for the basin. Overall it is a great job! However comments include: 1) No title page is offered for the ENSI team. No license numbers or contact information has been included with the report (as required by our State licensing Board). The only contact information I could find is in the title box of the figures. 2) Figure 5 shows a graphic representation for groundwater quality in the basin. However the locations of the data sites appears to be incorrect. The data is spread out throughout the basin, as an example many sites are shown in the northeastern area of the basin. However Figure 4 shows no monitoring wells in the area. There appears to be a disconnect between the wells shown in Figure 4 and the data presented in Figure 5. And 3) Appendix A of this report is from DWR? It is quite confusing on the reprinting of the various data Is this one report or two? Many of the figures within the original report are also in the Appendix. Is this two reports using the same data? I cannot figure this out. I24-10

In summary it appears that significant technical work has been completed to assist in the development of the Borrego Valley GSP. However it is my professional opinion that a number of issues remain outstanding. These include: I24-11

1) Characterization that the southeastern portion of the basin have had stable groundwater levels.
2) Groundwater flow maps showing that the basin discharge has moved north to near the Borrego Springs Airport and away from the Borrego Sink
3) Figure 2.2-21B represents that annual water use has declined by ~20% but Figure 2.2-22 B indicates a constant rate of groundwater overdraft.
4) Monitoring well distribution is not identified as a data gap in the report, although the central and southeastern portions of the basin are severely underrepresented with wells. The document states in a number of areas of the report that the number of wells meet the requirements of SGMA. That is NOT the issue The issue is if the distribution of wells allows for an adequate technical understanding of the hydrological parameters of the basin This is clearly not the case within the central eastern portions of the basin.

I24-11
Cont

Thank you for the opportunity to offer these comments to the draft document. Please let me know if I can provide any assistance with this issues

Sincerely

John Peterson
California Certified Hydrogeologist #90
P.O. Box 512
Borrego Springs Cal. 92004
petersonenv@hotmail com
858-220-0877

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Letter I24

Commenter: John Peterson, California Certified Hydrogeologist (No. 90)
Date: May 15, 2019

I24-1 The Groundwater Sustainability Agency (GSA) welcomes your comments on the Draft Groundwater Sustainability Plan (GSP) and acknowledgment of the positive steps the Draft GSP makes to achieving sustainability.

I24-2 The executive summary has been revised to clarify the location of wells where groundwater levels have remained stable at the edge of the Borrego Springs Subbasin compared to other areas of the South Management Area (SMA) where groundwater levels have been documented to be declining.

I24-3 The GSA notes your comment that it has been well known and long established that Borrego Valley drains (flows) toward the Borrego Sink and down Borrego Sink Wash toward the east. The groundwater water level contour maps produced in the Draft GSP are for the Spring of 2018, Fall 2018, 2010 and 1945 (Figure 2.2-13A-D). As pumping ramped up in the basin groundwater that flowed and discharged to the Borrego Sink under the pre-pumping conditions has been captured as evidenced by dry springs and wells, and desiccation of the honey mesquite bosque. Two pumping-related depressions are exhibited in the data collected, one centered on the agricultural areas north of Henderson Canyon Road, and possibly another centered around a cluster of wells north of the Ram's Hill Country Club (Figure 2.2-13A).

Best available data for developing groundwater level contours maps indicate that groundwater flow that historically moved to the Borrego Sink is being captured by pumping. That is the cone of pumping depression in the North Management Area (NMA) is broadening from the pumping center outward to the Borrego Springs Airport. As pumping currently greatly exceeds inflows to the Subbasin, it is expected that pumping centers will dramatically disrupt the natural groundwater flow gradients including intercepting flow that once traveled to the Borrego Sink and down Borrego Wash. While additional monitoring wells could improve development of groundwater level contours in the area of the County Airport, the lack of additional monitoring wells is not identified as a substantial data gap for GSP implementation at this time. That said, the GSA is reviewing the potential for funding additional monitoring wells throughout the Borrego Springs Subbasin.

I24 -4 The GSA notes your comment that Figure 2.2-15 should be clarified to indicate that the Carrizo Impact bombing range covers about 400 square miles. This is clarified in the GSP text on pg. 2-62.

I24-5 Inflows and outflows reported in the charts come from the Borrego Valley Hydrologic Model (BVHM), and the outputs from the model are included in the model update report (Appendix D1 of the GSP). Figure 2.2-22B represents the total cumulative change in storage, so each point on the graph represents an addition of the storage lost in that year to the total storage lost throughout the model period. Inflows exceed outflows for every year for the past 20 years, so the cumulative change in storage continues on a downward trend.

Additionally, average pumping as reported by the model does not change much during the last 20 years of the model run, with average pumping from the last 20 years of the model run of 16,466 acre-feet per year (AFY), average pumping for the last 10 years of the model run of 16,855 AFY, and average pumping for the last 5 years of the model run of 15,567 AFY. There are slight changes in the slope of the line in water years 2004, 2005, and 2012, when inflows to the basin in the model were higher than other years. The result of this is that the average annual change in storage for the past 20 years is a loss of 11,955 AFY, for the past 10 years is a loss of 13,098 AFY, and for the last 5 years is a loss of 10,604 AFY. Figure 2.2-22A depicts the groundwater inflows and outflows by year for the period 1945 to 2016. The period from 2010 to 2016 occurs during a dry period with low recharge compared to wetter periods. This results in continued loss of groundwater in storage at about the same rate even though groundwater extraction is reduced over this period.

I24-6 Data gap associated with the area north of the Borrego Sink is identified on pg. 2-54, and the GSP has been amended to clarify.

I24-7 As indicated in response to Comment I24-6, the data gap associated with the area north of the Borrego Sink is identified on pg. 2-54, and the GSP has been amended to clarify.

I24-8 GDE Unit 2 Palm Canyon area should reference Anza-Borrego Desert State Park (ABDSP) Well 3 and not the Horse Camp Well. The Draft GSP has been revised with the correct well.

I24-9 As indicated in response to Comment I24-6, the data gap associated with the area north of the Borrego Sink is identified on pg. 2-54, and the GSP has been amended to clarify.

I24-10 The GSA acknowledges your comments on the ENSI report. Figure 5 was produced by Tim Ross of the California Department of Water Resources (DWR). The DWR has data from private wells that are not available to the GSA because of confidentiality agreements between private pumpers and the DWR. As such, the exact location of these private wells is unknown and are therefore not presented on Figure 4. The ENSI Appendix D2 is one report not two. Appendix A of the ENSI report provides the seminal work from DWR referenced in the ENSI Report.

I24-11 The GSA acknowledges your professional opinion that several issues remain outstanding. The commenter provides conclusory remarks, and summarizes the comments provided in the letter. These issues have been responded to above under responses to Comment I24-1 through Comment I24-10.

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Comment Letter I25

Groundwater Management at Borrego Springs

There are two additional sources of underground water flow that should be considered to help solve the issues with the decreasing underground water basin under Borrego Springs.

1. Clark Well, close to Clark Dry Lake between Coyote Mountain and the Santa Rosa Mountains, is one source. However, there might be concern over water quality. Also, going further up Rockhouse Canyon for cleaner water is limited by the Santa Rosa and San Jacinto Mountains National Monument. I25-1

2. San Felipe Wash is a much larger source of water which follows highway 78 to Texas Dip on the Borrego Springs Road and ends less than a half mile from highway 78. It also has drinkable water upstream at Yaqui Well and Tamarisk Grove campgrounds. Additional underground water flow is added from the south side of highway 78 from Pinyon Mountains. All of these sources follow the Felipe Wash to Ocotillo Wells where additional underground flow is added from Fish Creek Mountains to the South. The total groundwater flows south of the Salton Sea toward Brawley and the Mexican border where farming is supported from the Colorado River. I25-2

   2.1. It seems like the Narrows Earth Trail point along highway 78 is the optimum spot to tap into this flow for Borrego Springs and will require hydrologists checking into the quality and quantity of water at this point. If tests are okay, pipe can go around the east end of Yaqui Ridge and run downhill to Rams Hill steel tanks with enough water for Rams Hill and Casa del Zorro. I25-3

I recommend that 2.1 be tested A.S.A.P

Robert Kleist
Retired Stanford MSEE

Solar/Electric Management at Borrego Springs

Solar Energy Management (Mgt.) can collaborate with Water Mgt. for storing both water and electric energy for local distribution that needs to be optimized for geographical locations. I25-4

1. An example of solar energy generation has been completed at the new library. Here the covering the of the shaded parking has solar panels much like one would find on a rooftop. This type of shaded parking could be extended to schools, businesses, and hotels/motels.

2. Solar Energy Mgt. could collaborate with Groundwater Mgt. to pump water from additional underground water flows to elevations that would store both water and electric energy. I25-5

3. Underground utilities for both water and electrical energy have regional populated areas. Connections between these regions should be steel poles with safe conduction in severe weather. I25-6

4. The regional availability of water and electric energy at the lowest cost and safety varies geographically. Solar energy is optimal for Borrego Springs with local management and collaboration with Hydrologists. I25-7

Robert A. Kleist 5/8/2019

Letter I25

Commenter: Robert Kleist, California Certified Hydrogeologist (No. 90)
Date: May 8, 2019

I25-1 The Groundwater Sustainability Agency (GSA) acknowledges your comment that there are two additional sources of water flow that should be considered, including (1) Clark Well and (2) San Felipe Wash. Both of these sources of water supply have been studied extensively by the Borrego Water District who evaluated the feasibility of importing groundwater from the Clark Dry Lake, Ocotillo Wells Subbasin and Allegretti Farms (Ocotillo-Clark Valley Groundwater Basin) (Burzell 2006). The Borrego Water District (BWD) evaluation found these projects to be economically infeasible.

I25-2 As described in response to Comment I25-1, the Borrego Water District evaluated the potential for water supply from the Ocotillo Wells Subbasin near San Felipe Wash and found the project to be economically infeasible.

I25-3 While the Narrows Earth Trail point along Highway 78 has not been studied extensively, the cost for a pipeline to District wells near the intersection of Borrego Springs Road and Highway 78 (closer than the Narrows Earth Trail) was determined not to be economically feasible. Additionally, the Narrows Earth trail is located in the Anza-Borrego Desert State Park (ABDSP) who would likely not approve drilling and construction of wells within the park boundary.

I25-4 The GSA notes your comment that solar energy management can collaborate with water management for storing water and electric energy and that solar energy can be extended to additional facilities.

I25-5 The GSA notes your comment that solar and groundwater management could collaborate to pump water from underground to elevations that would store both water and potential electric energy.

I25-6 The GSA notes your comment that utility connection should be steel poles between regionally populated areas.

I25-7 The GSA notes your comment that solar energy is optimal for Borrego Springs.

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Comment Letter I26

County of San Diego
Planning & Development Services
C/O Mr Jim Bennett (by email to. PDS.LUEGGroundWater@sdcounty ca gov)
5510 Overland Avenue, Suite 310
San Diego, CA 92123

May 21, 2019

CC (by email)
Gary Haldeman, BWD Ratepayer Representative
Borrego Water District

RE: Draft Groundwater Sustainability Plan for Borrego Valley Groundwater Subbasin

Dear Mr. Bennett,

I am a Borrego Springs resident and homeowner and I am writing to comment on the draft Groundwater Sustainability Plan (GSP) for Borrego Springs

Comment 1

Section 4.1.1, page 4-21 states "The BPA [Baseline Pumping Allocation] is determined to be the maximum annual groundwater extraction during the baseline pumping period .. The BPA methodology developed for the subbasin is detailed in Appendix F." It must be noted that the methodology outlined in Appendix F is not a measure of ***water extraction*** over the survey period It is, rather, a method to estimate the ***irrigation needs*** of agricultural and recreational pumpers in the subbasin.

This is not to say that the methodology in Appendix F is inappropriate – it is certainly better than nothing, but it is a scientific ***wild guess*** rather than a precise measurement. Could the number be off by a factor of 20%? As much as 30% or more? This imprecision was not addressed in the GSP.

This is important because:

1. The calculated BPA for the subbasin – and basis for possible future adjustments – is based on two sets of data: one is an historical record of pumping by the Borrego Water District (BWD), a history that goes back well over 50 years. The other is the estimate of unknown accuracy generated by Mann. The BWD data set should only be subject to future "adjustment" if the data are proven to be in error Any miscalculation of current water extraction from the subbasin must be assumed to be an error in the ***estimated value;*** any future adjustment to the BPA must only be applied to the ***estimated values.***

2. Table 4-2 on page 4-15 quotes Mann (the author of the methodology in Appendix F): The "potential water savings for agriculture is less than 2% of the BPA. ." If the total volume of water extracted by agricultural and recreational interests can be only grossly estimated, it is unreasonable and unscientific to assign a precise value for potential water savings.

Support:

Appendix F outlines a methodology using ***evapotranspiration*** (ET) which estimates water use by an individual plant species in order to estimate the plant's water requirements over time This number is then used to estimate water use by a field of similar plants The methodology in Appendix F makes many assumptions about local terrain, temperature, wind conditions, growing seasons, and applies those assumptions to large tracts of land under irrigation in the Borrego Subbasin One of those assumptions, for example, involves ***soil moisture content*** (SMC)

I26-1

The measurement of SMC is intimately tied to the ET in calculating irrigation needs of plants. SMC is not considered in the methodology outlined in Appendix F because variations in soil properties, terrain, temperature and wind conditions would make the task impossible. The resulting methodology outlined in Appendix F ignores SMC and assumes that all soil under every crop and every section of turf irrigated by agricultural and recreational pumpers is exactly equal. And the value derived, however inexact, is a calculation of the irrigation needs of the subbasin, not a measure of the water extracted over a five year period of time

Water use by agriculture in the region is an estimate based on numerous factors outlined on page 4-11 of the GSP Considering all of the unknowns involved in arriving at the agricultural and recreational portion of the 15,729 AFY (Acre Feet per Year) baseline, the accuracy of this number should be questioned or, at the very least, it should be assigned a margin of error to indicate the precision of the approximation Is the actual number 15,729 AFY +/- 20%? +/- 30%?

I26-1 Cont.

Considering the inexact method for deriving the agricultural extraction values, 2% would seem to be well within the range for a rounding error. However the assumption made by Mann in his 2014 analysis is that the "potential water savings for agriculture is less than 2% of the BPA..." The 2% value is illogical and unreasonable, especially when this number (Estimated Potential Water Savings) is used in the calculus to determine the BPA for all users, including BWD ratepayers, where history shows *actual* water extraction data for over 50 years, not based on estimates.

Comment 2

The BWD has recorded over 50 years of pumping data, which represents the ***"best available information"*** for water extraction in the subbasin Chapter 4, section 4 0 of the GSP states "Under the Regulations, the Groundwater Sustainability Plan (GSP) is to include the following. 3. Projects and management actions [PMA] shall be supported by best available information and best available science." To achieve fidelity with this mandate the entire BWD water pumping record must be considered in the BPA allotment formula, not the narrow window of 2010-2015 which is used in the GSP. Considering only the BWD 2010-2015 usage levels (after significant conservation measures were already in place, reducing water use in the district by over 50%) penalizes municipal water users for their conservation efforts. The BPA for BWD ratepayers must factor in the entirety of the historical usage record

Support: Applying the 2010-2015 survey period for all entities may seem to level the playing field for all water users in the district, but that is an unreasonable assumption.

I26-2

The opening of Section 4 3 of the GSP states: "The BWD has historically implemented measures to encourage efficient water use These include a tiered water rate structure and other incentive programs (BWD 2009). In the past, rebate programs were established for the purchase of low flow toilets, low water use washing machines, and high water use turf removal. [Note. these measures were implemented prior to the 2010-2015 BPA survey period.] The Borrego Springs Community Plan (County 2013) includes a policy requiring the continuation of ...aggressive, multi-faceted water conservation programs to reduce existing agricultural, golf course, commercial and residential [water] use "

The irony of this situation is that, even with significant savings by the BWD ratepayers, the water table in our aquifer has continued to drop an alarming rate. The only plausible explanation is that non-metered pumpers have extracted the entire BWD water savings Using the 2010-2015 dates to calculate the BWD share of BPA perversely increases agriculture and recreation's baseline by adding BWD's water savings to their total.

2 of 3 | Page

Comment 3

If a 74% reduction must be achieved for all pumpers in the subbasin, the BWD should be awarded a BPA of at least 1,000 AFY PMA #3 states in part: "Each non-de minimis groundwater user within the subbasin will be assigned an allocation based on its historical groundwater use." To achieve fidelity with PMA #3 the Baseline Pumping Allocation (BPA) for the Borrego Water District (BWD) must be based on the 50 year historical BWD average of over 4,000 AFY. Furthermore, since the BPA for BWD is based on historical fact (unlike the BPA for agricultural and recreational pumpers which is an estimate with an unknown level of accuracy) the BPA for BWD ratepayers must be fixed and not be subject to any downward adjustment in the future. If a downward adjustment in BPA would become necessary in the future it must be borne solely by those entities whose BPA is based upon an estimate

I26-3

> **Support:** The BPA is derived from five years of recorded historical data from the BWD and *an estimate* of water extraction by agricultural and recreational pumpers from the 2010-2015. Selecting these dates, while ignoring over 50 years of historical pumping data from the BWD places the community of Borrego Springs at an extreme disadvantage because it fails to capture the success of the community's conservation efforts over the past two decades. Our community's population is relatively unchanged in decades but our water use has decreased by well over 50% in the last 20 years. The conservation efforts resulting in those water savings were, for the most part, already in place before 2010. Where actual historical data are available, as in the case of the Borrego Water District, it must be used as specified in PMA #3.

Comment 4

PMA #5 discusses Water Quality Optimization but only addresses naturally occurring contaminants. Contamination from outside sources must be considered in the GSP as well If contaminants are being introduced from an outside source the parties responsible must be held accountable for any remediation that might be necessary.

I26-4

Comment 5

Tourism is the primary industry in Borrego Springs The 600,000-acre Anza-Borrego Desert State Park which surrounds the town is the largest desert state park in the nation, and attracts hundreds of thousand of visitors every year. Among the most popular local attractions are *groundwater dependent ecosystems* (GDEs), palm canyons, maidenhair waterfalls, and mesquite forests. The GSP recognizes that substantial damage has already been done to area GDEs, this damage is especially evident in dead mesquite forests and severely stressed mesquite bosques GDEs must be given greater consideration in the overall water allocation calculus and timing of reductions. Water set-asides for GDEs are meaningless if the "set-aside water" sits in a drastically reduced water table, unavailable to the ecosystems it is intended to support.

I26-5

Thank you for reviewing and considering my comments. Your efforts are greatly appreciated

Regards,

Garold L. Edwards
312 Ocotillo Circle; Box # 1858
Borrego Springs, CA 92004
garoldedwards@gmail.com

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Letter I26

Commenter: Garold Edwards
Date: May 21, 2019

I26-1 The Groundwater Sustainability Agency (GSA) acknowledges the commenters concern regarding the lack of specificity and precision in reporting information on baseline pumping allocation. In response, the Groundwater Sustainability Plan (GSP) is explicit about how the baseline pumping allocation (BPA) was determined, including the method to estimate agricultural pumping. Title 23 California Code of Regulations (CCR) Section 354.18(b) states (emphasis added): "the water budget shall quantify the following, either through direct measurements ***or estimates based on data***: [...] Outflows from the groundwater system [...]." The methodology was not developed by Mann, but by the GSA as provided in Appendix F. The reference to Mann (2014) in Table 4-2 refers only to the estimated water savings that conservation measures might achieve for the agricultural uses in the Subbasin. The footnote to Table 4-2 references 2% as simply the percentage of the total BPA for the agricultural sector that potential water savings consist of. The GSA has edited GSP Section 4.4 (pg. 4-20) to further clarify that the BPA is partially estimated. The GSA acknowledges the comments regarding the methodology.

The GSA has recognized that direct measurement is preferable to estimating water use, and therefore is requiring that all non-de minimis wells in the Subbasin install flow meters, in accordance with the Metering Plan included as GSP Appendix E2.

I26-2 The commenter is referred to the Baseline Pumping Allocation and Pumping Reduction Program master response. While the GSP does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed. In response to establishing 2010 through 2014 as the baseline pumping period, the GSA sought extensive public input prior to determining the time period for the baseline pumping allocation. Please see meeting minutes from September 28, 2017, November 17, 2017, and January 25, 2018. They can be found on the County's SGMA website at: https://www.sandiegocounty.gov/content/sdc/pds/SGMA/borrego-valley.html.

I26-3 The commenter is referred to response I26-2.

I26-4 The GSA acknowledges the comment on Project and Management Action (PMA) No. 5 (Water Quality Optimization). As indicated in the GSP, the GSA will prepare CEQA documentation (after GSP adoption) in advance of considering formal adoption and implementation of PMA No. 5.

I26-5 The GSA acknowledges the comment on the importance of local attractions to the region's tourism. The commenter is referred to the master response on groundwater dependent ecosystems (GDEs).

Comment Letter I27

Mark C. Jorgensen
Post Office Box 7
665 Tilting T Drive
Borrego Springs, CA 92004

County of San Diego
Planning and Development Services
C/O Mr. Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, CA 92123

May 17, 2019

Mr. Bennett:

Thank you for your tireless involvement in the development and implementation of the Borrego Valley Groundwater Sustainability Plan. Your keen awareness of our valley overdraft has been key to the progress made by our local Borrego Water District and Ratepayers Committee. Mr. Gary Haldeman has held eighteen public meetings so far to inform local residents and to glean opinions and comments from hundreds of local citizens. Here, I offer my comments to the GSP and I am including data I have gathered from two transects measuring the health status of two separate mesquite bosques in Borrego and Clark valleys. I will be conducting at least three more transects in the Borrego Sink area from Borrego Valley Airport to the southeast margins of the Sink. My data show that in the Clark Valley, a nearby aquifer that is essentially untapped by pumpers, show that approximately 11.8% of the existing mesquite trees are dead, and in the overdrafted Borrego Sink area, I counted 53.8% of the mesquites were dead. I27-1

I have been a resident of Borrego Springs for more than forty years and have been involved in various water meetings and aquifer reports since the early 1980's. I worked at Anza-Borrego Desert State Park for thirty-three years in the capacity of Park Superintendent, Resource Ecologist, State Park Ranger and State Park Naturalist. I have observed the severe impacts of aquifer overdraft and have documented those impacts in the Mesquite Bosque as well as in the drying of Coyote Creek, where the creek completely dries up at the Second Crossing these days. Since observing Coyote Creek beginning in 1963, I never saw the Second Crossing dry until seeing it completely dry in three or four summers within the last decade.

First I'd like to state that my comments center around five basic principles:

1) A minimum of 2,000 acre feet of water should be allocated for municipal use here the Valley This will secure future water deliveries for household and small business use and potentially allow for some future development needs.
2) The timeframe originally set in the GSP extends out to 2040 for full implementation. This schedule for full compliance needs to be shortened considerably to preserve our finite groundwater supply. A twenty year timeframe allows for continued drawdown by agriculture, golf courses and households and further jeopardizes our aquifer. My opinion is that a maximum I27-2

of eight to ten years should be enforced for full compliance. Even in this scenario, our aquifer levels can be expected to decline another twenty feet.

3) Serious consideration needs to be given to water quality as the drawdown continues. As the total supply of water in the aquifer decreases, experts generally agree the quality of our potable water will also degrade.
4) The GSP discounts the impact of continued pumping on Groundwater Dependent Ecosystems. In fact, the plan states there are no GDE's in the Borrego Valley region that fall within the purview of the GSP. This is an absurd point of view. The guidelines set for inclusion of GDE impacts state that no impacts prior to 2015 can be considered. Does this do justice to the known impacts drawdown has obviously had on the Mesquite Bosque plant community? Which water consuming faction does this benefit? Certainly not the small business owners or the residents, but it obviously does benefit the farmers and golf course operators. To conveniently select 2015 as a cutoff date for environmental impacts is ludicrous and defies common sense. Sixty years of agricultural pumping, without consideration of environmental consequences, is what has brought us to this dire situation today. GDE's in Borrego Sink, Lower Willows of Coyote Canyon and Borrego Palm Canyon need to be embraced not rejected.
5) I have been commenting for a couple of decades on the data used to calculate the natural inflow of water into our aquifer as well as the estimated pumping figures. My problems with the numbers are as follows. The numbers have changed over the last fifteen years or so, based on no monitoring stations or well-head gauges on agriculture of golf courses. In the 1990's to early 2000's the figures we were given in public forums were that rainfall and runoff into the valley delivered approximately 4,000-4,500 a/f per year. Extraction figures were considered to be around 24,000 a/f per year. Today, in the absence of accurate measurements, the figures have changed to natural inflow of 5,700 a/f per year and pumping at about 20,000 a/f per year. Where did these data come from? The Coyote Canyon water gauging station was destroyed by flashfloods decades ago and when replaced by a new one at the Second Crossing by DWR, the new station quickly went into disuse. I was informed by DWR monitors the gauge never captured low flows or high water events experienced during flashflood events. The gauge in Borrego Palm Canyon was destroyed in a major flood event so data from that location has also been based on estimates. It appears once again that the changing data does not benefit the local residents or small business but has a definite benefit to future allocations to farmers and golf courses. The figure of 5,700 a/f per year is a benchmark for future allocations to residents, farms and golf courses. My opinion is this figure is high, based on estimates, and does not take into consideration our persistent droughts or future climate change.

I27-2 Cont.

I have concerns with several other aspects of the GSP and statements made within it. General assumptions are made within the Plan stating that water levels in the southeast region of Borrego Valley have remained "fairly constant". Actually, what is constant is the decline of the aquifer in this area, as evidenced by two wells monitored in this portion of the Borrego Sink,

I27-3

Wells MW-3 and MW-5. Well MW-3 has declined more than thirteen feet in the last decade and well MW-5 has been drawn down by almost nine feet. These wells are located in the southeastern margin of our aquifer and this startling decline in indicative of the valley-wide water table drawdown.

Assumptions are made about various regions of the valley and the plan divides the aquifer into three regions, North, Central and South. Many of the wells are concentrated in the north and south, while I find the Central region is grossly under-studied, and therefore conclusions on its status are lacking scientific scrutiny. The area north of Borrego Valley Airport and east and west of Pegleg Road show virtually no monitored wells. There are a score of existing wells that could be studied, but are not. I suggest the County begin manual measurements over time, or that the County partners with the Borrego Water District to install monitors on the many well-heads available. Several of these which could be studied are located on County property at the Borrego Valley Landfill. Other wells are private but could be monitored with landowner cooperation. Data derived from more widespread wells could certainly provide a clear picture of what is really happening valley-wide. You have stated there are plenty of wells being monitored and you see no need to install more monitoring stations. I would agree there "are plenty of monitored wells" but would argue they are not evenly spread throughout the valley to give us a clear picture of the severity and widespread character of the overdraft.

I27-3 Cont.

I thank you for the opportunity to comment during this public comment period and assume I will have another chance to preview the final version of the plan before it goes for final approval. I sincerely hope the timeframe of the implementation can be constrained to less than a ten year period, that GDE's will take a more realistic role in the plan, that a fair portion of available water is allocated to residents and small businesses, and that the figures for natural inflow and realistic pumping can be brought into a more rigorous scientific realm.

I27-4

Sincerely,

Mark C. Jorgensen
Borrego Springs, CA

Attachment: Mesquite Transect 2019

Mesquite Transects, 2019

Clark Dry Lake, West Side, Rockhouse Canyon Road GPS CLKMES Elev. 555'

Start of Transect@ 33.32459N (first mesquite on Rockhouse Canyon Road)
116.28895W

End of Transect@ 33.36090N (Last mesquite north of old rock quarry)
116.30424W

Live Mesquite= 239

Dead Mesquite= 32

Total Mesquite Counted from Road= 271 **Percentage of Mesquite Dead= 11.8%**

Borrego Sink off Yaqui Pass Road GPS MESQ.2 Elev. 469'

(End of YP Road, turn left, 1st fork in dirt road)

Start of Transect@ 33.22811N Begin at 1st Fork in dirt Rd. W. of YP Road
116.33143W

End of Transect@ 33.23412N End at Old House
116.32790W

Live Mesquite= 456

Dead Mesquite= 525

Total Mesquite Counted from Dirt Rd.=981 **Percentage of Mesquite Dead=53.5%**

I27-5
Cont.

J
Mark Jorgensen
PO Box 7
Borrego Springs, CA 92004

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County of San Diego
PLANNING & DEVELOPMENT SERVICES
% Mr. JIM BENNETT
5510 OVERLAND AVE. SUITE 310
SAN DIEGO, CA 92123

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Planning and
Development Services

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Letter I27

Commenter: Mark Jorgensen
Date: May 17, 2019

I27-1 The Groundwater Sustainability Agency (GSA) acknowledges the comments about the health status of mesquite bosque communities in the Borrego and Clark Valleys. The commenter is referred to the master response on groundwater dependent ecosystems (GDEs).

I27-2 The GSA acknowledges the commenter's principles and opinions. The GSP adequately complies with Sustainable Groundwater Management Act (SGMA) and gives proper consideration to each issue raised, including baseline pumping allocation (BPA), Groundwater Sustainability Plan (GSP) implementation timeframe, water quality, GDEs, and the water budget. SGMA legislation does not require the GSA correct undesirable results that occurred prior to 2015. As stated in Chapter 3, "it is unfeasible that any PMA [project and management action] developed by the GSA will result in recovery of the honey mesquite GDE." It would require an immediate halt of water use in the Subbasin and an unrealistic reversal of groundwater level trends.

I27-3 With regard to the characterization of groundwater levels and the assertion that the Central Management Area (CMA) has insufficient monitoring data, the commenter is referred to the response to Letter I24, which raises similar concerns.

I27-4 The commenter is referred to response to Letters I47 – I89 regarding the GSP's implementation timeline.

I27-5 The GSA note the data provided by the commenter that measure the health status of the Mesquite Bosque. This information has been considered for inclusion into Appendix D4 of the GSP.

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Comment Letter I28

From: Don <lagopondon@gmail com>
Sent: Tuesday, May 21, 2019 5:24 PM
To: LUEG, GroundWater, PDS
Subject: Borrego Groundwater Sustainability Plan
Attachments: Comment Letter to Borrego Water District.pdf

Attached is my comment letter on the Borrego Valley Groundwater Sustainability Plan.

Don Rideout
145 Basil St.
Encinitas, CA 92024

1

Comment Letter on Borrego Valley Groundwater Sustainability Plan

Overall the document is well researched and well written There is no question that sustainability must be the goal and that the recommended reductions in water usage are necessary to ensure that there is adequate water available in the future for any users

My comments that follow address the question of what happens to agricultural land after it is fallowed The options are to convert the land to some type of non-irrigated agriculture, to develop the land for residential purposes, or to preserve the land as open space. Preservation of the land as open space will require the most planning by BWD.

When irrigation of agricultural land is discontinued, the effects will depend in part on the type of agriculture being carried out. Citrus and palm groves represent the majority of acreage. In general, the effects of fallowing will consist of invasion by non-native plants and windblown dust. Both effects would be very negative for the valley. As the document notes, active revegetation with native desert plants can be very expensive, requiring irrigation to get the plants established and significant labor to install and maintain the planting.

My recommendation is to pursue passive restoration. The first step should be to not remove existing palms or citrus trees The roots of these plants are important in retaining the soil and preventing windblown dust. The document notes that dead citrus trees will be unsightly. While this is true, these dead trees also shade the ground, helping to retain moisture after rain. Standing dead trees have some wildlife value, and they will serve as a reminder to us about how we got into our current predicament

I28-1

The next step would be to establish a conservancy to take ownership of the land and have management responsibility. I recommend a new conservancy because I doubt that BWD or Anza-Borrego Desert State Park would be interested in taking ownership of these lands. Management of fallowed agricultural land appears to be outside the mission of any existing governmental or non-governmental entity in our area. I envision the conservancy as being primarily volunteer based to keep costs at a minimum. The conservancy can pursue grants to carry out functions such as invasive weed removal, supplemented by volunteers.

In addition, the conservancy can carry out small scale revegetation projects by collecting seeds and cuttings of native plants from private properties in the valley, with permission from the owners. Plants such as creosote bush, burro bush, palo verde, ocotillo, cholla, jojoba, brittlebush, and many others can be started in this manner. Some minor irrigation may be required initially, but the quantity will be vastly less than either existing agriculture, residential development, or irrigation for dust control. Once these plants become established, they will become self-sustaining without need for irrigation, and they will play a major role in preventing windblown dust and invasion by non-native species In revegetated areas, remaining dead trees can be cut down to a stump and allowed to degrade naturally. Brush piles can be created in selected areas to provide hiding places for reptiles, birds, and small mammals. We will need to have a realistic timeline for passive restoration In my experience, 10-20 years will probably be needed to get good coverage with native plants While some residents might want to see this happen faster, we must remember that desert plants grow and propagate at their own rate We will need to adjust our expectations accordingly

The problem of invasive plant species is an enormous one for the community The best way to combat these weeds is to encourage native plants. We do not want fallow agricultural land to become a new opportunity for these noxious plants to expand. The conservancy will need to have a strong program of weed removal to accompany the passive restoration efforts. Fortunately, it is easier to keep weeds from fallow land because we will be starting with land that has already been cleared.

As former president of the Anza-Borrego Desert State Park Botany Society, I have some background in this subject. I would be happy to volunteer my time to assist with any of these tasks. I realize that our first step is adoption of the plan. However, agricultural land is already being fallowed, and we need to be ready to take effective management actions as soon as possible. Thank you for considering my comments

I28-1
Cont.

Don Rideout
145 Basil St.
Encinitas, CA

and

672 Verbena
Borrego Springs, CA

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Letter I28

Commenter: Don Rideout
Date: May 21, 2019

I28-1 The Groundwater Sustainability Plan (GSP) includes Project and Management Action (PMA) No. 4 – Voluntary Fallowing of Agricultural Land. As indicated in the GSP, the Groundwater Sustainability Agency (GSA) will prepare policy development and the California Environmental Quality Act (CEQA) documentation after GSP adoption in advance of considering formal adoption and implementation of a voluntary fallowing program. The commenter is encouraged to review the CEQA document and submit comments on PMA No. 4 at that time.

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Comment Letter I29

Judith R. Davis
P.O. Box 993
Marion MA 02738

May 14, 2019

County of San Diego
Planning & Development Services
C/O: Jim Bennet
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Ref: Groundwater Sustainability Plan
Borrego Valley Groundwater Basin
Borrego Springs Sub-basin

Dear Mr. Bennett,

I have spent time in the winter in Borrego Springs for the past eleven years and am an active participant in the Borrego community. During this time, I have learned first-hand about the need to conserve water there. I have also learned about the Groundwater Sustainability Plan (GSP) and would like to share with you some of my main concerns about the implementation of the GSP.

The Borrego Valley aquifer has been drastically over-drafted for many years. Borrego Springs must comply with state law, the California Groundwater Sustainability Act, and come into compliance by 2040. Current and historic water use in the basin has been as follows:

- Municipal pumpers (Borrego Water District or BWD) – 10%
- Recreational pumpers (Golf courses) – 20%
- Agricultural pumpers (Citrus, palm trees, herb and vegetable farms) – 70%

The current GSP seems to recommend an across the board reduction of 74%, which would maintain the current distribution percentages. The residential water use has already been cut from a reported histone high of 3,500 acre-feet/year to the current level of 1,700 acre-feet/year, a reduction of 50%. The Borrego Springs municipal ratepayers have done this through the conscious effort of removing fountains and swimming pools, grass and water intensive landscaping, and converting to low-flow toilets. I29-1

In contrast, the recreational and agricultural users have been slow or completely unwilling to make similar reductions, continuing to deplete the aquifer. Clearly the major contributor to the aquifer overdraft has been and continues to be agriculture. Although agriculture has been an important part of the community, it is unreasonable to assume that farming should continue to use 70% of the allocated water.

Therefore, here are some objectives I believe must be included in the implementation of the Groundwater Sustainability Plan.

- ***The municipal baseline pumping allocation (BPA) should be no less than the 1,700 acre-feet/year currently being used by the BWD*** This is Borrego's only source of drinking water, which should be a priority for the community. This would allow for some limited growth of homes and businesses.

  Baseline pumping allocations (BPAs) are arguably one of the most important elements in the implementation process: witness the ongoing battle among stakeholders to establish the highest BPA possible. For reasons unclear to municipal ratepayers, the timeframe set out in the GSP – 2010 to the end of 2014 – is certainly the worst possible interval for BWD. BWD began reducing its usage in 2003, when it pumped 3,926 acre-feet/year. In 2010, BWD pumped 2,730.5 acre-feet/year, and since then it has continued to responsibly reduce its water usage such that currently it pumps 1,700 acre-feet/year. I29-2

During this same period of water reductions by BWD, water storage in the basin was reduced by approximately 160,000 acre-feet/year. These figures are a clear indicator that the parties responsible for the overdraft were pumpers other than BWD: 70% due to farming, 20% due to recreation/golf courses. *Thus, choosing 2010-2014 as the baseline years to determine BPAs is to the detriment of the town's ratepayers. This timeframe is clearly unfair as it unquestionably favors farmers first and golf courses second, the same pumpers who have created Borrego's critical overdraft situation.*

I29-2 Cont.

- ***Sustainability should be achieved sooner than the mandated 20-year period.*** The sooner Borrego can become sustainable, the better chance we have to maintain the water quality of our aquifer. This will also have a beneficial impact on some of the endangered ecosystems in the basin.

I29-3

I hope you will consider these concerns and modify the GSP implementation to create a fairer and more sustainable solution to Borrego's serious water crisis.

Best regards,

Judith R. Davis

Letter I29

Commenter: Judith Davis
Date: May 14, 2019

I29-1 The comment provides introductory statements and does not address the adequacy of the Draft Groundwater Sustainability Plan (GSP), and therefore, no further response is required or necessary.

I29-2 The Groundwater Sustainability Agency (GSA) acknowledges the commenter's request that Borrego Water District not be subject to reductions below 1,700 acre-feet per year, as well as the commenters concern about using the period from 2010 to 2014 to establish baseline pumping allocations.

While the GSP does not set specific groundwater use reductions, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of any groundwater use reductions and a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed. In response to establishing 2010 through 2014 as the baseline pumping period, the GSA sought extensive public input prior to determining the time period for the baseline pumping allocation. Please see meeting minutes from September 28, 2017, November 17, 2017, and January 25, 2018. They can be found on the County of San Diego's (County's) Sustainable Groundwater Management Act (SGMA) website at: https://www.sandiegocounty.gov/content/sdc/pds/SGMA/borrego-valley.html.

The comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

I29-3 The GSA acknowledges the commenter's request to front load groundwater reductions to a time period less than 20 years.

While the GSP does not set specific groundwater use reductions or rampdown schedule, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare CEQA documentation (after GSP adoption) in advance of considering formal adoption and implementation of a specific ramp down schedule. The GSP also indicates an

agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.

Comment Letter I30

From: carylowe@cox.net
Sent: Friday, May 17, 2019 4:02 PM
To: LUEG, GroundWater, PDS
Subject: Comments on Borrego Valley Draft GSP

Dear Mr Bennett,
I wish to comment on the draft Borrego Valley Groundwater Basin Sustainability Plan I speak both as a land use professional with a long history in dealing with water issues and as a 40-year property owner in Borrego Springs. In an effort to avoid repetition of comments you have received from others, I will limit my comments to just a few key points:

I wish to comment on the draft Borrego Valley Groundwater Basin Sustainability Plan. I speak both as a land use professional with a long history in dealing with water issues and as a 40-year property owner in Borrego Springs. In an effort to avoid repetition of input you have received from others, I will limit my comments to just a few key points·

- Agriculture should bear a significantly greater share of mandated water use reductions than is currently proposed. Over 70% of historical water consumption in the Borrego Valley is attributable to agriculture. With no restrictions on pumping and little incentive to conserve, these interests have taken advantage of their rights under California water law to effectively drain the groundwater basin, thereby assuming primary responsibility for the current critical overdraft condition. In return, they have provided only a small contribution to the valley's economy in terms of jobs or revenue. Now, it is proposed that they reduce their consumption in the same proportion as the rest of the community. While that may seem fair at first impression, it ignores the fact that the agricultural landowners can reduce consumption by selling their property to parties who will maintain it as open space or convert it to non-ag uses. In other words, reducing consumption imposes little burden on the agricultural users; it actually provides them with a profit opportunity which would be unlikely to exist if there were not a legislative mandate to drastically reduce water consumption Consequently, agriculture should bear a disproportionately higher percentage burden for reduction in water consumption.

- Recreational users can be distinguished from ag users. Recreational water users, primarily golf courses, are responsible for about 18% of total water consumption. Like ag users, they have been free to pump without limit for many years, and similarly bear a disproportionate responsibility for the current overdraft condition. However, they may be distinguished from the ag users While the golf course and hotel interests also have the option, in theory, of "fallowing" their land, they have enormous investments in their operations and they make a substantially greater contribution to the local economy, so a stronger argument can be made for not burdening them to the point of undermining their economic viability

- Residential and other users should be exempted from mandatory water use reductions. Residential users are responsible for a mere 10% or so of water consumption. Given the very small amount of exterior landscaping at virtually all homes in the valley, any significant cutbacks in water usage will affect primarily indoor use and will therefore severely impact the health and safety of residents. That alone should invalidate the proposed reductions as applied to residential users. Moreover, this impact will be sufficiently great as to render most homes incapable of supporting human habitation. Since that is the only permitted use of those properties, the proposed cutbacks will constitute a complete and permanent regulatory taking of those properties. The county would then be liable for the value of all those homes This is particularly a concern as to specialized residential uses such as the Borrego Air Ranch which fall into the category of "other" users. A regulatory taking of those properties would subject the county to liability for not only the homes, but for all the flight facilities and other improvements as well. Given that water users in this category represent a mere fraction of a percent of total consumption, it seems irrational and punitive to impose on them the same percentage of use reductions to be

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applied to the major water users Inflicting such a burden on users in this category will have virtually no effect on basin conditions, while rendering their properties unusable and creating major liabilities for the county

I30-1 Cont.

In summary, I suggest reconsideration of the manner in which future mandated water use reductions are to be applied, with more of the burden being shifted to agricultural users and with residential users being burdened far less, if at all. Thank you for your consideration.

Cary D. Lowe, Ph.D., AICP
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Letter I30

Commenter: Cary Lowe, PhD, AICP
Date: May 17, 2019

I30-1 The Groundwater Sustainability Agency (GSA) acknowledges the commenter's request to exempt the municipal sector from reductions, and the burden or reductions to be placed on the agricultural sector.

While the Groundwater Sustainability Plan (GSP) does not set specific groundwater use reductions or rampdown schedule, the GSP includes Project and Management Action No. 3 – Pumping Reduction Program. As indicated in the GSP, the GSA will prepare the California Environmental Quality Act (CEQA) documentation (after GSP adoption) in advance of considering formal adoption and implementation of a specific ramp down schedule. The GSP also indicates an agreement among the pumpers is a possible scenario where groundwater use reductions could be developed.

This comment does not address the adequacy of the Draft GSP, and therefore, no further response is required or necessary.