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Board of Directors
Advisory Committee
Salinas Valley Basin Groundwater Sustainability Agency
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Re: Unjustified limitations of surface water resources to combat sea water intrusion

Dear Members of the Board and Advisory Committee:

On behalf of LandWatch Monterey County, please consider these comments on an unexplained and/or unjustified assumption in the feasibility studies for projects to combat seawater intrusion (SWI). That assumption is that surface water availability is limited by the existing program of reservoir operations and existing permit conditions and is thus primarily limited to water available through the currently unexercised 11043 permit. The result of this assumption is that the Castroville and Eastside Canals Project, the NSIP, and the ASR Project lack sufficient source water to meet. or substantially contribute to meeting, the SWI sustainability criterion, leaving the GSA to rely on the Brackish Groundwater Restoration Project.

The GSA's failure to consider an integrated program to manage both surface and groundwater resources to address SWI artificially limits the range of potentially feasible alternatives, and it may result in the choice of an unnecessarily costly infrastructure project. Without analyzing the efficacy of the Castroville and Eastside Canals Project, the NSIP, and the ASR Project with sufficient source water from potentially available surface water, the GSA cannot determine their feasibility or rely on their cost estimates.

If there is a principled rationale for the assumption that an integrated surface and groundwater approach is infeasible or inconsistent with immutable water rights or permits, decision-makers need to hear that rationale for two reasons.

First, they need to know that the range of alternatives considered is sufficiently robust to inform their selection of a project or portfolio of projects.

Second, in apportioning the costs of that project or portfolio among subbasins, decision makers need to understand whether to take into account the differential benefits of surface water resources to the subbasins. If the existing uses of surface waters do differentially benefit subbasins and if those uses could be changed, then either (1) the uses should be changed to more nearly equalize the benefits or (2) the differentially benefitted subbasins should be apportioned some of the cost of the infrastructure project that is made necessary by not changing the existing surface water benefits.

We outline the shortcomings of the source water assumptions in each feasibility study below.

A. Castroville and Eastside Canals and Alternatives

The Castroville and Eastside Canals and Alternatives Feasibility Study assumes the only water available would be from the 11043 permit, and would require adherence to the 11043 permit conditions.[1] Neither the study nor the MKB water rights analysis consider using other surface water rights, even though other surface water rights were used for the Salinas Valley Water Project SRDF diversions and this use was made possible via a permit modification. Because only limited surface water is assumed to be available, the Study finds that the project has limited effects on SWI.

However, the Castroville and Eastside Canals and Alternatives Study was supposed to include a robust assessment of alternatives that would move water from the south to address overdraft and seawater intrusion in the northern subbasins. Inexplicably, the alternatives were limited to projects that would depend on the 11043 water right. Although the Montgomery Technical Memorandum references projects "using the existing or modified Permit, or an alternative water rights approach,"[2] the actual analyses are limited to projects using the 11043 permit.[3] The study does not explain why it would be possible to modify the 11043 permit but not other surface water permits, an omission that is particularly problematic because the reservoir permits have in fact been modified before – to support the CSIP project.

In particular, there was no consideration of two potentially available "alternative water rights approaches."

First, there is no discussion of projects like the SRDF that redivert stored water from the reservoirs and that were accomplished by modifying the reservoir permits.[4] Ignoring this alternative is inconsistent with the SWRCB recommendations that the reservoir permits be amended to include points of rediversion to support downstream projects.[5] Eliminating this approach leaves the northern subbasins dependent on just the 11043 permit water volumes, which are available only in the winter and do not promise regular flows. Even if 11043 is modified to add storage rights, the infrastructure required to store the irregular volumes of off-season water available under 11043 may be prohibitively expensive.

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[1] C&E Feasibility Study, pp. 15-17.
[2] Montgomery, Oct. 27, 2025, p. 2.
[3] Wallace Group, Oct. 9, p. 2 ["The scope of projects being considered in this study focuses on projects that utilize the existing water right permit held by MCWRA, Permit 11043."]
[4] Montgomery, Oct. 27, 2025, p. 6 ["Projects that redivert water previously stored in Nacimiento or San Antonio Reservoirs are not included."]
[5] MBK, July 2025, pp. 4-5 ["The SWRCB recommended that MCWRA submit petitions to add points of rediversion under the water rights for Nacimiento Reservoir or San Antonio Reservoir if it is the intent to redivert this stored water into the proposed facilities."]

Second, there is no discussion of a well field that would not be subject to the 11043 permit, and limited by the water volume and timing of that permit. That is, the analyses assume that any well field used in a future project would be pumping underflow or a subterranean stream subject to SWRCB permitting. There is no discussion of the proposal that MCWRA originally made as part of the East Side Canal project, i.e., a well field that depends on appropriation of groundwater and is therefore outside the SWRCB's permitting jurisdiction.[6] Again, eliminating this option leaves the northern subbasins only the irregular offseason 11043 flows. Furthermore, eliminates from consideration the storage mechanism originally proposed as part of Bulletin 52, that is, the cyclic recharge of the mid-valley aquifers through reservoir releases followed by draw down of those aquifers for use in the north – in short, a conjunctive use program.

B. NSIP

The NSIP feasibility also relies primarily on 11043 water.[7] Only 5% of the NSIP source water (2,061 AFY) is surface water from the reservoirs made available through the SRDF as so-called "excess flows."[8] Even though the 180/400 GSP promised evaluation of reservoir reoperation, the NSIP study expressly provides that there would be no changes to reservoir operations.[9] Indeed, even though higher yields (90 cfs instead of 72 cfs) could be provided with modification of SRDF pumps, no changes were assumed to be made to the existing facilities.[10] It is as if the study were designed to limit the potential effectiveness of NSIP.

C. ASR

The ASR feasibility study is also limited by its failure to consider use of reservoir reoperation that would make more surface water available to the north. Water rights and existing reservoir operations are identified as key constraints for both ASR alternatives in Tables 1, 2, and 3.[11]

The ASR Feasibility Study's Technical Memoranda 1 and 2 purport to describe the operational and water rights limitations on releasing water from the reservoirs to provide

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[6] MBK, July 2025 ["The proposed project also involved the construction and operation of a well field adjacent to Salinas River to supply water to the East Side Canal when water could not be diverted from the river. It was stated in a letter from the SWRCB to MCWRA that the pumping of groundwater from the well field would not be pursuant to Permits 11043 and 11044 (A013225 and A013226, respectively) but instead the right to such pumping would be claimed as an appropriation of percolating underground water, outside of the jurisdiction of the SWRCB."]

[7] NSIP Feasibility Study, App. A, p. 12 [65%, or 24,652 of a total 37,770 AFY is 11043 water]; see also C&E Feasibility Study, p. 97.

[8] Id. at pp. 4, 12 [referencing Water Right License 7543, License 12624, and Permit 21089 for Nacimiento and San Antonio Reservoirs which include a rediversion point for use of stored water at the Salinas River Diversion Facility (SRDF)].

[9] NSIP Feasibility Study, App. A, p. 4 ["Reservoir operations were not modified for this study"].

[10] Id.

[11] ASR Feasibility Study, pp. 21-23.

ASR injection. The memos treat recharge practices and settlement agreements as givens. For example, the memo explains "MCWRA has several obligations to honor and consider for reservoir operations: water rights requirements (including environmental compliance, groundwater recharge, and SRDF operations); San Luis Obispo County and Salinas Valley Water Coalition settlement agreements; and dam safety and flood control operations, which also need to be considered when proposing new operations to implement the Seasonal Release with ASR project concept as described in the GSP."[12]

The GSA has not considered, or at least explained, whether the release and recharge practices can be changed or explained whether and how settlement agreements bind MCWRA to benefit one group of users instead of others. The memoranda acknowledge that some changes to water rights have been made in the past to support CSIP and the SRDF and that other requests are pending for the Interlake Tunnel Project – so obviously additional changes could be requested. And of course there could be protests and the process may take some time. But any of the proposed infrastructure projects are going to take time.

In short, there is no clear explanation of a water rights basis for limits on available surface water. Thus, the ASR alternatives are limited to 12,900 AFY or 6,700 AFY without adequate explanation as to why more surface water could not be provided.

The 12,900 AFY figure represents the seasonal release with ASR scenario, apparently constrained by the existing 36 CFS diversion limit for the SRDF but with a change of the release season.[13] The 6,700 AFY figure represents the "new diversion with winter high flows" scenario in which a new diversion structure is limited to 36 CFS.[14] That diversion is expressly limited by existing operations:

> Based on the constraints identified for the Seasonal Release with ASR concept, Alternatives 1 and 1A, referred to here as New Diversion of Winter High Flows for ASR were identified **to accommodate existing system constraints**. For water to be considered able to be re-diverted at the SRDF, it must be stored in 1 of the reservoirs for 30 days. This restricts the ability to reliably release and re-divert stored water during the winter months when inflow to the reservoirs is high. Further, given the operational constraints of releasing and re-diverting water in the winter, MCWRA recommended **keeping normal reservoir operations** in support of the conservation program and SRDF operations from April through October, and developing a separate, parallel ASR diversion and conveyance system. Alternatives 1 and 1A, the New Diversion of Winter High Flows with ASR project concept, would **maintain the current reservoir and SRDF operation schedules**, with SRDF diversions occurring between April and October to supply CSIP irrigation demand. This project concept would provide for the

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12 ASR Feasibility Study, Technical Memorandum1, p. 15, https://svbgsa.org/wp-content/uploads/2025/01/ASR-FS-Report-compressed.pdf.

13 ASR Feasibility Study, p. 11.

14 ASR Feasibility Study, pp. 37, 57.

diversion of excess winter watershed flows that bypass the reservoirs and divert them downstream at a new diversion structure, upstream of the SRDF structure.[15]

In sum, the feasibility studies for these three infrastructure projects do not provide an adequate range of alternatives because each is artificially limited by the unexplained and/or unjustified assumption that changes cannot be made to the existing uses of surface water, uses that differentially benefit some subbasins. MCWRA is charged to manage groundwater and surface waters to benefit all users. The GSA should not assume that the existing permits and reservoir operations cannot be changed to attain this end.

If there is a justification for continuing the existing system of surface water uses, decision makers and stakeholders need to hear it and to understand whether it can be changed. If it can be changed, then the GSA should consider doing so, or at least take that into account when apportioning project costs.

We appreciate the Board's consideration of these comments and are available to discuss them further.

Yours sincerely,

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[15] ASR Feasibility Study, p. 16